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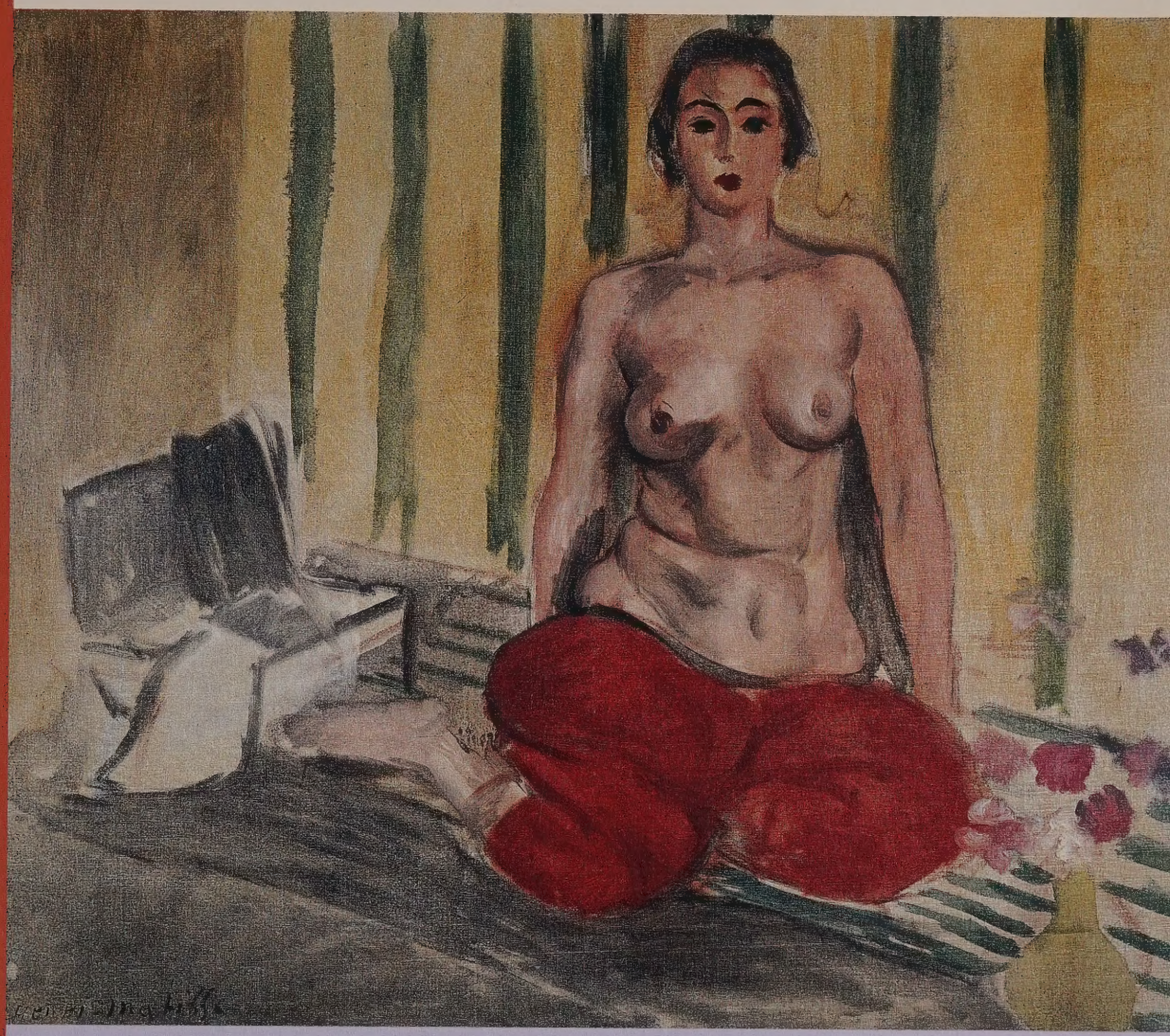
# IFAR Journal

INTERNATIONAL FOUNDATION FOR ART RESEARCH



MATISSE AND DALÍ–THEFT AND SWITCH

THE FUTURE STUDY OF MASTER DRAWINGS

UNRAVELING AN ETRUSCAN FORGERY

IFAR STATEMENT ON IRAQ

INCORPORATING STOLEN ART ALERT

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COVER: HENRI MATISSE (1869–1954). *Odalisque with Red Pantaloons*, 1925. Oil on canvas. 60.5 cm x 73.7 cm. Signed lower left "Henri Matisse." Stolen from the Museum of Contemporary Art, Sofia Imber [MACCSI], Caracas, Venezuela. See story on p. 4, this issue. © Succession H. Matisse/A.R.S. New York 2003.

IN MEMORIAM

# LEON LEVY

DIED APRIL 6, 2003

BUSINESSMAN, PHILANTHROPIST, FRIEND

MEMBER OF IFAR'S
BOARD OF DIRECTORS SINCE 1976

WE WILL MISS YOU

It is with great sadness and a deep sense of loss that IFAR mourns the death of its long serving and dedicated director, Leon Levy. His demise was the second grievous blow we have suffered in the past year during which Arthur Altschul also passed away. Leon was a man of superior intelligence complemented with modesty and good humor. He cut through the most difficult issues with a few well-measured words, usually providing the perfect solution. Even when quite unwell, he attended board meetings and continued to actively participate in the business of the organization.

Leon's generosity, for which he sought no recognition, was extraordinary. He believed that good works were their own reward. I must repeat a story he told me which well illustrates the kind of person he was. An archaeologist, who will remain nameless, requested funds for an excavation project, but informed Leon that, because he was a collector of antiquities, his name could not appear on the list of donors. Leon laughingly dismissed this crassness and sent off a check. Talk about turning the other cheek! He and his wife, Shelby White, established a substantial fund, administered by Harvard University, to enable young scholars to publish their work. Only they would have thought about the enormous financial burden facing beginning researchers attempting to achieve an essential goal in launching their careers.

Leon became involved with IFAR early on through one of our founders, Harry Bober, a medievalist and professor at NYU's Institute of Fine Arts. In those early years, IFAR's focus was on authenticity and scholarly research. We had not yet expanded our reach to include theft, looting, law, and cultural property issues. Until the very end, Leon remained interested in IFAR's Authentication Service and our other research activities.

Leon will be terribly missed by his many friends and colleagues – the world without him is a poorer place. All of us at IFAR extend our most sincere condolences to Shelby, his ardent and dedicated collaborator, who shared his passions and his commitment to philanthropy, as well as to his daughter, Tracy.

JACK A. JOSEPHSON
Chairman of the Board, IFAR

## TO THE EDITOR:

**Re: "Copyright or Copywrong . . ."**
**(*IFAR Journal*, Vol. 5, no. 3, 2003)**

The recent Supreme Court opinion declaring that the 1998 extension of copyright protection from life plus 50 years to life plus 70, [see news story, p. 12] was unquestionably disappointing to many. It was passionately felt by law school professors and other academics (who submitted amici briefs) that the public interest was ill-served by essentially granting corporate holders of existing copyrights an additional 20 years of exclusive protection. There is a reasonable and constructive way to correct the result, without impairing the congressional role.

The relevant words of the Constitution are that "Authors" shall have the "exclusive Right" to their "writings" for "limited Times." Almost 50 years ago, Justice William Douglas in Mazer v. Stein (1954) questioned whether a sculptor is an "author" and whether his statue a "writing" within the meaning of the Constitution. The Court had never decided the question, and has still not squarely addressed it.

Congress has, however, consistently recognized a distinction between the creator — as the "author" — and a commercial assignee of the copyright. Under the 1909 Copyright Act, which was the law until amended in 1976, except for a work made for hire, only the creator (or his family) could renew a copyright after the initial term of 28 years. And under the present 1976 statute, Congress provided in the case of any work other than a work made for hire, the copyright is subject to termination, only by the author-creator (or his family) at any time during a five-year period beginning at the end of 35 years from the date of execution of the grant of copyright. This right exists notwithstanding an agreement to make a will or to make a future grant.

It would be reasonable and consistent with the United States Constitution and many years of congressional policy to limit the additional 20 years to the author-creator. If Congress wishes, the creator may have the life plus 70 protection; but for a commercial assignee who had no part in the creative process, the protection would be limited to the shorter life plus 50 year term. Thus, all free-lance artists and writers who did not create their work in an employment situation, would have the extended protection, but others would not. Inasmuch as the Court recognizes that the duration is within the discretion of Congress — and duration need not be uniform for all copyright owners — this could readily be done. No existing rights would be affected.

The argument advanced, by those seeking to retain the life plus 70 rule, that the purpose of the extension was to harmonize the term to that which now exists in England and other European countries, is ill-placed. Neither England nor any of the other countries has a constitutional provision which provides that the exclusive copyright term may be for a "limited time."

The dissenting opinion of Justice Breyer is thought-provoking. In an Appendix to his dissent, he reveals that based on an economic analysis submitted to the Court, if an author lives 30 years after writing a book, the additional 20 years of protection is likely to increase his expected income from his creation to no more than .33%. Further, the extension under the Act for a term of 95 years (corresponding to works made for hire and all pre-1978 copyrights), has a value of slightly more than 99.8% of the value of a perpetual copyright. Under this analysis, how, one may ask, is the 1998 extension only for a "limited time"?

FRANKLIN FELDMAN, ESQ.
Chair, Law Advisory Council, IFAR

# ART THEFT-AND-SWITCH: IT'S A CRIME, BUT NOT AN ART

## TARGETS: A MATISSE AND A DALÍ

The theft of a work of art is egregious enough, but when the thieves substitute a copy for the original, that's rubbing salt in the wound (although it may buy the culprits time in the marketplace). More puzzling is when the copy hangs in public view for a while and isn't nailed as a fake.

An important aspect of a theft-and-switch is that it isn't a casual crime; it requires planning, copying and then waiting for the right moment to make the transfer.

"Embarrassed museum officials have had to admit that they don't know for how long visitors and staff had been admiring a fake."

This is about two theft-and-switch cases, one concerning a large Dalí sketch (Fig. 1) stolen from a New York prison, the other a Matisse *Odalisque* (Figs. 2-4) taken from a museum. One of these thefts was discovered within a day, the other was not discovered for years. Which one proudly displayed a fake work for years? Strangely enough, it was the museum.

Both works are still missing. Both, one would assume, will be hard to sell, considering the publicity that comes with major art thefts.

We'll start with the Matisse story.

### WHAT YOU SEE IS NOT WHAT YOU GET

The Matisse case is particularly disturbing — and all the complicated facts and conflicting statements have not been sorted out. The theft apparently took place at least two years ago. Embarrassed museum officials have had to admit that they don't know for how long visitors and staff had been admiring a fake.

The painting, *Odalisque in Red Pantaloons* of 1925, had been in the collection of the Contemporary Art Museum of Caracas, known as the MACCSI, since 1981. It was purchased at New York's Marlborough Gallery for $480,000. An oil on canvas from Matisse's "decorative" period, it was one of many languorous, exotic semi-nudes inspired by the artist's trips to North Africa, although it was actually painted in his studio in Nice.

FIGURE 1. Salvador Dalí. *Christ on the Cross*. February 1965. India ink, gouache, and pencil on board. 59" x 39½" (unframed). Stolen from the Men's Correction Facility, Riker's Island, New York, March 1, 2003.

Nearly twenty years after MACCSI acquired the painting came a troubling sign of chicanery. As Wanda de Guebriant, archivist for the Matisse Archives in Paris, told the Venezuelan newspaper El Universal: "In February 2001, some French art dealers consulted me about the work, which had been offered to them for sale. When I explained to them that this painting was, in theory, property of the MACCSI, their interest in the piece ceased, concluding that it could only be a copy."[1] Ms. de Guebriant told IFAR that she later learned that the French dealers had actually seen and been offered the work as early as October 2000, when they were visiting New York. Between May and December 2001, Ms. de Guebriant periodically received calls concerning the same work. Her answer, she told IFAR, was always the same, namely, that as far as she knew, "it could only be a copy."

Up to that point, all the inquiries to de Guebriant were by phone or mail. But, as she told IFAR, on December 21, 2001, the piece was brought to her in Paris so that she could examine it. To her surprise, she saw "that it actually was the original painting although it had been savagely stapled [with a staple gun] onto a very poor quality stretcher, which, of course, was not the original."

### HAVE SALE DOCUMENT, WILL TRAVEL

Ms. de Guebriant therefore declared the work before her in Paris to be authentic, that is, it was the very painting supposedly hanging in the Caracas Museum. But, she told

[1] *El Universal*, December 21, 2002. Quoted from the English translation posted on the MACCSI Website.

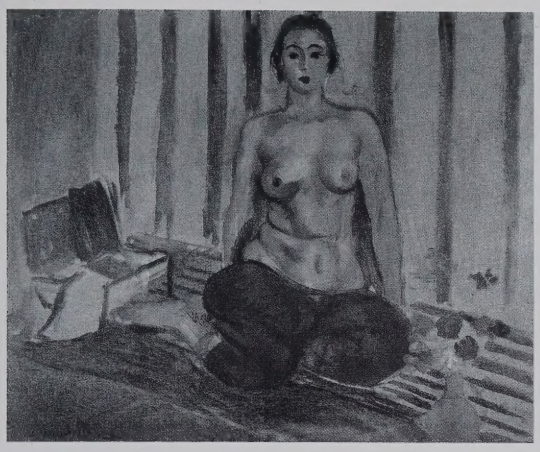


FIGURE 2. Henri Matisse. *Odalisque with Red Pantaloons*, 1925. Oil on canvas. 60.5 cm x 73.7 cm. Signed lower left: "Henri Matisse." Stolen, Museum of Contemporary Art, Sofia Imber. [MACCSI], Caracas, Venezuela. © Succession H. Matisse/A.R.S. New York 2003.

FIGURE 3. Copy of Matisse's *Odalisque with Red Pantaloons*. Substituted for the original.

IFAR, although she realized that the work was authentic, she would not provide a certificate: "I could not put my name on a work that I thought was stolen, even if it was authentic, since, morally I wasn't entitled and the certificate might mean a green light for the sale. I told the possessors to 'tell Sofia Imber that she's the only person who can present the painting. She or the museum itself'."

> ". . . no one seemed to question the sale documents accompanying it."

Significantly, documents circulating with the painting suggested that Sofia Imber had authorized the sale. One document was signed by two former employees of the museum (Fig. 5). It was "notarized" in Caracas (Fig. 6), but may have been forged. Curiously, it is written in English. Also, it is dated November 2000, one month after the work is known to have been offered for sale in New York. In the course of the two years that the painting is known to have been circulating (since October 2000), it has passed through several hands in different cities on different continents, and, apparently, no one seemed to question the documents accompanying it.

[2] November 29, 2002 report of the insurance company, as quoted on the MACCSI Website ("History of the Matisse Case," #17).

Ms. de Guebriant also told IFAR that she called Sofia Imber in January 2002 and alerted her to the fact that the painting was being offered for sale. However, Imber was no longer director of the museum, having been removed in an administrative shakeup the previous year. [The two museum employees who signed the "sale" document had left the museum around the same time as Imber. One, in fact, was apparently fired by Imber the week before Imber herself was let go.]

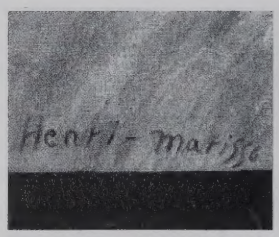
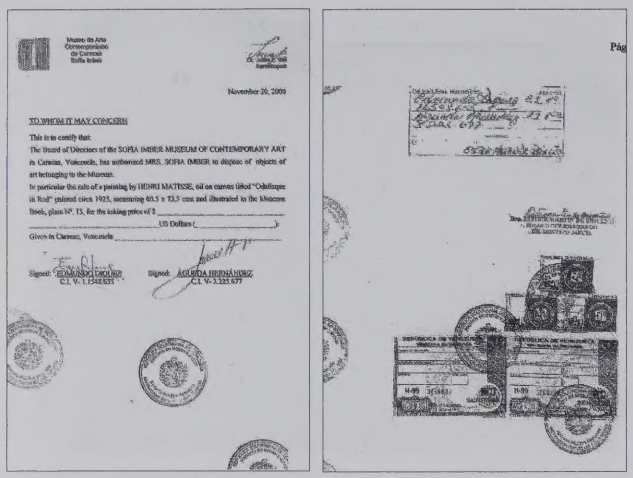



FIGURE 4. Signature on fake.

When Ms. Imber stepped down (January 30, 2001) there was, apparently, no suspicion regarding the Matisse. However, the new administration went through all the records that were turned over. They commissioned an external review of the financial audits for the year 2000 (Imber's last year), which uncovered deficiencies with regard to the museum's inventorying, bookkeeping, and documentation. Another study revealed that 14 works of art, although fully documented in the museum's files, were missing. [The Matisse wasn't included in that 14 since the fact that it was a fake wasn't yet known.] The insurance company refused to pay a claim on the 14 works saying that their disappearance was due to "obvious negligence of the person or persons in charge of the custody of the insured goods." The museum's new Director, Rita Salvestrini, who replaced Imber in February 2001, told IFAR that she has since located two of the works, which had been sent years before to a bank and were apparently forgotten. The twelve remaining missing works



November 20, 2000

TO WHOM IT MAY CONCERN

This is to certify that:

The Board of Directors of the SOFIA IMBER MUSEUM OF CONTEMPORARY ART in Caracas, Venezuela, has authorized MRS. SOFIA IMBER to dispose of objects of art belonging to the Museum.

In particular the sale of a painting by HENRI MATISSE, oil on canvas titled "Odalisque in Red" painted circa 1925, measuring 60.5 x 93.5 cms and illustrated in the Museum Book, plate N°. 13, for the asking price of $ _____

_____ US Dollars (_____).

Given in Caracas, Venezuela _____

Signed: RAMIRO DIGUEZ
C.I. V- 1.154[illegible]

Signed: AGUEDA HERNÁNDEZ
C.I. V- 3.225.677

FIGURE 5. Left. Document (possibly forged) signed by two former employees of the museum in Caracas "authorizing" the sale of the Matisse painting.

FIGURE 6. Right. "Notarized" stamps on the "authorizing" document.

include two 1980 sketchbooks by Henry Moore, and a work (*Broom*, 1975) by Jasper Johns.

In April 2002 Imber visited the museum, and, as described on the museum's Web site, "In front of the work 'Odalisca con pantalon rojo' by Henri Matisse, Sofia Imber expressed her concern about this piece," but without further explanation. Rita Salvestrini later told the Miami Herald that Imber didn't say anything more until the case broke eight months later.

"... where the original has seven green stripes at the lower right, the fake has only six."

## AN E-MAIL SOUNDS THE ALARM

The theft of the Matisse was not made public until almost a year after de Guebriant told Imber that the painting in the museum was a fake. The alarm was sounded by Genaro Ambrosino, a Venezuelan art dealer living in Florida, who, upon learning that a centerpiece of the museum's collection was up for sale, circulated an angry protest, via e-mail, in late November 2002. The e-mail, later published, read in part: "Please pass this message to whoever knows how to do something to stop this new embarrassment and ROBBERY by our directors."

The accusation came as a shock to the museum. The administration denied that the Matisse was being sold and launched an investigation. That was when it learned that its only Matisse was gone, and that the "masterpiece" in its collection was a fake. The Director later complained that because Ambrosino had not been more discreet in his charges, the (real) painting promptly dropped out of sight. In any case, the story went public in mid-December when the newspaper *El Universal* reported that the museum had made an insurance claim for the Matisse.

The FBI in Miami was brought into the picture, and the painting was also listed as stolen with Interpol and the ALR. The FBI learned that the painting had been stored for a while in a Miami warehouse, Fortress Art Storage, by a Venezuelan dealer living in Miami. Fortress supplied the FBI with the names of the dealer and those people who had come to see the work. Fortress said it had been authorized to "show" the work to potential buyers, and it had in fact shown it to two people. But the work had been removed from the warehouse at the beginning of December 2002, and it is believed to have been sent to Europe. Since then, nothing is known of its whereabouts.

Once the news of the Matisse theft became public, along with the fact that the fake had hung in the museum for so long, tension increased between the old and new museum administrations. The new administration developed a detailed theft time-line, published on its Web site, which emphasized that "According to all the information provided by the expert [Wanda de Guebriant], if by October of 2000 (please, be reminded that MACCSI's current [administration] started their work on February 1, 2001) the piece was already on the international art markets, and if it [is] true that a copy could not be done in a short time, even less in a matter of fraud, some conclusions can be reached . . ."

At the time of the theft, the painting was torn from its stretcher and frame. When it was shown in Paris to Ms. de Guebriant, as noted above, she saw that it was "savagely stapled" to a new stretcher of poor quality, and that it had buckled. It also had some rust around the nailholes, where it had been attached to the original stretcher. MACCSI confirmed to IFAR that the authentic painting's stretcher and frame were left behind and attached to the fake. That was one reason, apparently, that suspicions had not been aroused. Rita Salvestrini confessed to IFAR, however, that she is "embarrassed" that she had not recognized that the work was fake. But, without naming names, she is critical of others for the theft. "It is impossible to do this substitution

without having an internal partner. You have to have opened many doors. . . . The painting had to go to the conservation lab, to go past security, and to get carried back to the exhibition galleries."

Both the original and fake are oil on canvas, signed lower left, "Henri Matisse." They have similar dimensions. But, where the original has seven green stripes at the lower right, the fake has only six. The fake is also embellished with a large shadow near the Odalisque's left arm. But, most significantly, compared to the original, the fake is crudely painted and modelled, and the gaunt, saccharine face of the Odalisque bears only a superficial resemblance to that of the Matisse.

The fake "Matisse" is no longer on view. The search for the original is ongoing. The FBI, Interpol, and local police in the U.S., Venezuela, and Europe are on the case.

### A THEFT? . . . IN A PRISON?

Whereas the frame and stretcher of the Matisse were left intact when the painting was replaced with a fake, the opposite occurred with the Salvador Dalí. There, a decision to take not only the artwork — a *Christ on the Cross* — but its frame as well (apparently to enhance its value) is partly what aroused suspicion almost immediately.

The theft became news in all the New York papers — the *Times* as well as the tabloids — when the story broke on March 1, 2003. It wasn't the crime itself. It was the venue: Riker's Island Men's Correctional Facility — on an island just north of LaGuardia Airport. It isn't often that a painting by a major artist is stolen from a prison. Then again, it isn't often that a painting by a major artist is *in* a prison.

The story is that, as a favor, Dalí had promised the Corrections Department Commissioner, who believed in the rehabilitative power of art, to visit the prison and speak to the inmates. On the day of his scheduled visit in February 1965, he was ill, but he did manage to sketch a large *Christ on the Cross*. On the lower left, he inscribed:

> "For The Dinning [sic] Room
> of the Prisoners
> Rikers Island
> S.D."

He signed it, lower right, "Dalí/ 1965"

For 38 years the sketch had hung on various walls in the prison, first in the dining room, and, most recently, in a locked display case in a lobby. Only a few people had access to the keys to the case.

### "IT'S NOT OUR DALÍ"

The switch was discovered only a few hours, it is believed, after the theft actually took place. One of the prison guards quickly spotted something wrong. As he told reporters, the painting seemed "too new and too bright". Also, it was "stapled" to the back of the display case, and was missing its frame. Other people confirmed: "It's a fake." Investigators swung into action. The enterprising New York papers soon reported that the switch probably happened during a rare middle-of-the-night fire drill that was probably a ruse to camouflage the theft. They also said that the culprits were probably prison personnel and named names. The investigation is ongoing, and the Correction Department would neither verify names nor confirm to IFAR that the fire drill was staged to cover the theft. Investigators are holding onto the fake. As IFAR went to press, no arrests had been made, and the original Dalí is still missing.

"It isn't often that a painting by a major artist is stolen from a prison. Then again, it isn't often that a painting by a major artist is *in* a prison."

The *Christ on the Cross* is in India ink, gouache, and pencil on board. It's 5 feet by 3 feet (unframed) and was under glass. It was stolen, apparently, in a somewhat naive belief that it could be fenced easily. Although it was appraised in 1985 at $175,000, and it is probably worth more today, there is no legitimate market for stolen art, especially after it's been splashed on the pages of newspapers around the country. The work itself is not iconic Dalí. Although the artist did paint several major religious works in the 1950s and 60s, he is best known for his Surrealistic images of the 30s and 40s, with their mutating objects and melting clocks.

As for the sketch put up in place of the stolen one, it's worth pointing out that a fake Dalí is not a rare item. In the top ten list of faked artists, Dalí is probably near or at

FIGURE 7. Cover, *IFARreports*, April 1991, showing stolen Magritte painting, *Sans Famille*, which was replaced by a fake.

the top. IFAR exposed several Dalí fakes in the 1980s, and an IFAR specialist then testified as an expert witness in the 1990 trial of the Center Art Gallery in Honolulu, whose owners were accused of knowingly marketing thousands of Dalí fakes. IFAR then declined to accept any more Dalís in its Authentication Service. The proliferation of "non-Dalís" was so great that we were concerned about being inundated.

### OTHER THEFTS AND SWITCHES

When artworks are stolen from a wall, thieves generally leave a gaping hole or an empty frame. Thefts and switches, such as the two described in this article, are rare. But some exceptions are worth noting.

In September 2000, for example, the Naradowe Museum in Poland discovered that its 1882 Monet seascape, *Beach at Pourville*, had been stolen and replaced by a fake. The original is still missing. And in 1991, when paintings by Picasso and Magritte were stolen from the living room of a New York collector and replaced by fakes, IFAR was called in to confirm it. We did, and publicized the thefts (Fig. 7). Result: a fast recovery.

— S.F.

## TWO NEW REMBRANDTS ADMITTED TO CANON

Given the recent demotion of so many works formerly attributed to Rembrandt, the addition of two new paintings to the Rembrandt canon is both surprising and heartening news. Both works were revealed by Ernst van de Wetering, Chairman of the Rembrandt Research Project (RRP) in The Netherlands. For the past thirty-five years, the RRP has been publishing a new and vastly pared down Corpus of Rembrandt's *oeuvre*, while compiling and analyzing a mass of essential scholarly and scientific material. The latest volume (IV) of the Corpus, due this summer, is devoted to Rembrandt's self-portraits, and one of the newly discovered works falls into this category.

### PUPIL TRANSFORMS PAINTING

At an *IFAR Evening* two year ago,[1] Professor van de Wetering described how scientific analysis had recently revealed that several self-portraits, formerly either attributed to Rembrandt himself or dismissed as later copies, were actually painted in the master's studio by his assistants. Now, in a variation on this theme, the RRP has both discovered and recovered an authentic self-portrait (Fig. 1) by Rembrandt hidden for years under the work of a pupil. This anonymous aspiring artist transformed his master's engaging image of himself as a young man into a *tronie* (or fantasy portrait) of a kind of Russian boyar, replete with flowing curls, pearl earrings, fur cape and handle-bar mustache (Fig. 2), apparently in an effort to appeal to changing artistic tastes.

Although for centuries Rembrandt's painting lay hidden beneath the work of his pupil, certain features of the image such as the nose, the mouth, and the transition from cheek to chin, provided clues to what lay beneath. They had not been overpainted, nor had the signature and date visible at lower right, which were added while the original paint was still wet (Fig. 3). In the 1950's and 1960's, these enticing clues provoked conservators to remove certain details of the surface layer — the man's tall hat, some of his long curls, and part of his mustache (Fig. 4). The remaining areas of overpaint were recently removed by Dutch conservator Martin Bijl under the direction of the RRP to reveal an authentic Rembrandt self-portrait, painted in 1634. The picture's conservation history was the focus of an exhibition at the Rubenshuis in Amsterdam earlier this year with an exhibition catalogue written by van de Wetering.

### REMBRANDT SELF-PORTRAITS AS COMMODITIES

Why would a Rembrandt pupil obliterate his master's work? In van de Wetering's view, and in contrast to opposing arguments that see Rembrandt self-portraits as

[1] Published in the *IFAR Journal*, as "Thirty Years of the Rembrandt Research Project: The Tension Between Science and Connoisseurship in Authenticating Art," Vol. 4, no. 2 (2001), pp 14–24.

FIGURE 1. Rembrandt. *Self-Portrait*. Oil on panel, 1634. Private collection, France.

FIGURE 2. Painting as it looked c.1935, showing overpainting by a pupil.

FIGURE 4. Painting as it looked c.1950, after partial removal of the overpainting.

All photos this page courtesy of Museum het Rembrandthuis.

studies in self-exploration, the artist conceived of his self-portraits as commodities to be kept in supply for a growing number of art lovers and collectors in an increasingly prosperous society.[2] If the stock got too large — and Rembrandt painted over forty self-portraits (plus drawings and etchings) — he had his assistants alter them into more saleable images.[3] In the present example, in van de Wetering's view, the overpainting was done in Rembrandt's studio "in the style of Rembrandt, in the crude way that his pupils did" about three years after the self-portrait was painted and before the paint was completely dry.[4] An investigation of the structuring of the paint layers was able to reveal the approximate time of this overpainting, van de Wetering explained further in a conversation with IFAR's Executive Director, due to the different drying times of dark and light paint. Specifically, scratch marks from the brush made while the pupil was painting the flowing hair of the Russian figure had penetrated through to the slow-drying, dark paint of the hair of the original self-portrait underneath but left no traces in the faster drying, lighter paint of the background. Furthermore, no demarcation between the two layers of dark paint was visible.

Gary Schwartz, an American Rembrandt specialist living in The Netherlands, offers an alternative explanation for how and when the overpainting took place.[5] He suggests that when Rembrandt left the studio of picture dealer Hendrick Uylenburgh, for whom he worked in the early 1630's, to set himself up in business in 1636, he left behind works he had painted while there. Schwartz compares the boyar-type *tronie* to works by Rembrandt pupil Govaert Flinck, and notes that Flinck is known to have been living with Uylenburgh in 1637. He posits that Rembrandt's self-portrait may have been one of the works left in Uylenburgh's shop, and that Flinck may have painted it over during his residence there.

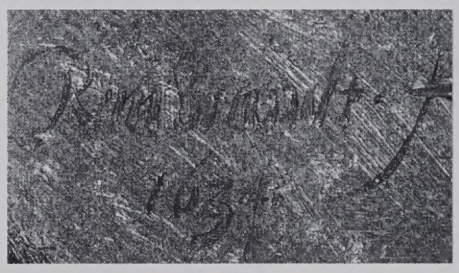


FIGURE 3. Original signature on Rembrandt's *Self-Portrait*.

## CONSERVATION ETHICS

Under normal circumstances, the discovery of a new Rembrandt would be cause for undiluted celebration.

2 See Ernst van de Wetering, "The Various Functions of Rembrandt's Self-Portraits," in *Rembrandt's Hidden Self-Portraits*, exh. cat., Museum het Rembrandthuis, 2003, pp. 27–41.

3 Van de Wetering cites two more examples where pupils overpainted Rembrandt's self-portraits, a panel in the Gemäldegalerie in Berlin of c. 1633, overpainted c.1637, and a panel in the Louvre from c.1635, partly overpainted in c.1640, see *Ibid.*, figs. 6 and 9.

4 Quoted in Mark Bourrie, "Finding the Real Rembrandt." *National Post* [Canada], February 8, 2003, p. B3.

5 See Gary Schwartz, in *Het Financieele Dagblad*, Amsterdam, February 1, 2003.

However, the removal of the Russian image has been criticized by some scholars due to the fact that it, too, was the work of a seventeenth-century hand — possibly even by as renowned a Rembrandt pupil as Govaert Flinck — and, indeed, may even have been sanctioned by Rembrandt himself. It has also been suggested that the relatively low market value of a possible Flinck compared to a certifiable Rembrandt may have fueled the decision to destroy the one to recover the other. Martin Bijl and van de Wetering, however, seem to have recognized this problem at the outset, and to have taken a responsible approach to it. They reasoned that, as much of the topmost image had already been removed by the cleanings which took place in the 1950's and 1960's, the painting had become a hybrid and there was little reason not to finish the job.

Nevertheless, issues of authenticity have always been related to the marketplace. When, as in the present case, a Rembrandt pupil's charming but modest work is miraculously transformed into a glowing self-portrait by the master himself — one of only three known to be still in private hands — it should come as no surprise to learn that it has been put up for sale. In fact, the painting's anonymous owner, who lives in France, has consigned it to Sotheby's London, for a July auction.

## REMBRANDT AS GENRE PAINTER

The second newly discovered Rembrandt (Fig. 5) was acquired by the National Gallery of Ireland in 1896 for the trifling sum of twenty pounds sterling as a work by the minor Dutch artist Willem de Poorter. It has long been dismissed not so much for its style as for its subject matter. The tiny (8.3 x 10.7 inches) early panel painting dates to c.1628, and depicts a mildly salacious, popular seventeenth-century game known as "la main chaude," in which a blindfolded player is required to guess the identity of one among a number of other players who has smacked him on the backside.

Because Rembrandt painted few genre scenes and the silhouetted figure at the far left struck many people as strange, the picture remained in obscurity until Ernst van de Wetering recognized the painting as by the master. A combination of connoisseurship and technical analysis contributed to the re-attribution, which was made on the basis

FIGURE 5. Rembrandt. *La Main Chaude*. Oil on panel, c.1628. National Gallery of Ireland, Dublin.

of style, the dating of the costumes — particularly the large hat on the central figure — a dendrochronological analysis of the oak panel, and x-rays that revealed a portrait bust underneath the surface painting in the style of the artist. But for van de Wetering it was, above all, the brilliant manner in which the artist depicted the diminishing intensity of light, from its source at the left of the composition to the deepening shadows at the right, that revealed the hand of Rembrandt.[6] "The painting may be atypical from the point of view of mood and subject, but it is," van de Wetering told IFAR, "in every respect Rembrandt's conception and treatment."

The sometimes controversial work of the RRP has revolutionized our understanding of the master and his studio and transformed the nature and extent of his *oeuvre*. One can only wonder what new revelations will be forthcoming in the remaining two volumes of the Rembrandt Corpus.

— GERTRUDE WILMERS

6 Van de Wetering discussed the attribution in *The Mystery of the Young Rembrandt*, exhibition catalogue, Museum het Rembrandthuis, Amsterdam, 2002, pp. 70–78, and in a conversation with IFAR in March, 2003.

# IFAR STATEMENT ON IRAQ

As overseers of an organization which for close to 35 years has been concerned with the authenticity, theft, looting, and protection of art objects and cultural property, IFAR's Board of Directors unanimously approved the following statement regarding the cultural heritage of Iraq at its meeting of April 2, 2003:

In light of the current conflict in Iraq, we call upon all the governments, combatants, and individuals involved to be mindful of the precious historic and archaeological treasures in that country, which has justly been called the cradle of civilization. Within its borders lie the ruins of ancient Nineveh, Nimrud, Hatra, and Babylon, among others. Although we recognize that the preservation of human life is paramount, we urge everyone to do whatever possible to safeguard the thousands of archaeological and cultural artifacts, monuments, and sites in Iraq both during and after the war, and to help secure their long-term safety and preservation. We stand ready to do whatever we can to assist in that effort.

# ATTENTION

As *IFAR Journal* went to press, news came of the devastating looting and damage to the National Museum in Baghdad and the burning of the National Library. While it is too early to know precisely what was damaged or stolen, we mourn this catastrophic — and almost surely preventable — loss to world heritage and Iraqi culture. Even before the looting, IFAR placed the cautionary statement above about Iraq on its Web site. We have announced our intention to play a major role in the effort to gather and disseminate information about this tragic event and to galvanize opinion against the acquiring of any looted objects from Iraq (or elsewhere) that might come on the market. We will cover this tragic event extensively in the next issue.

We urge all collectors, dealers, and museums not to acquire *any* objects possibly coming from Iraq without clear and indisputable provenance. If anyone learns the whereabouts of any looted objects, we urge them to notify the authorities immediately.

U.S. Immigration & Customs: Call 1 (800) BE ALERT (option 1) or c3@customs.treas.gov

FBI: Call (202) 324-6668 or the nearest FBI local field office.

# SUPREME COURT UPHOLDS COPYRIGHT ACT

## SAYS IT MAY BE BAD POLICY, BUT IT'S NOT UNCONSTITUTIONAL

In a controversial case (*Eldred v. Ashcroft*, 123 S.Ct. 769) that pitted segments of the arts community against each other, the Supreme Court in January upheld the constitutionality of the 1998 Sonny Bono Copyright Term Extension Act (CTEA).

The law extended copyright for an additional twenty years, granting protection for the life of the artist plus 70 years or, for works made for hire, 95 years from the date of publication. The CTEA had been criticized by many as deeply flawed.

The case sparked debate about the competing interests underlying U.S. copyright law: public access on one side, the need to spark artistic creativity on the other. The competing interests were represented in an IFAR Evening, *Copyright or Copywrong? The Supreme Court, Copyright Term Extension, and the Arts*, in November. (See *IFAR Journal*, Vol. 5, No. 3, 2002. Panelist Robert Baron (Intellectual Property Committee, College Art Association) expressed the concern that the CTEA would make it even more difficult for art historians to get permission to use copyrighted works for scholarly and teaching purposes. However, this interest in fair use of copyrighted material was contrasted with the position taken by artists (and other authors), who seek to protect the copyright in their works

In recent years, the entire regime of copyright protection has been complicated by the development of the Internet, which makes it easier for the public to access protected works. Copyright law has been criticized for its failure to address the concerns raised by this new medium.

The impetus for the law's passage came from the entertainment industry, which has long guarded its copyrights jealously. Many, in fact, nicknamed the CTEA the "Mickey Mouse" law, because the Walt Disney Corporation would have lost Mickey Mouse to the public domain had the law not been passed. Disney was a major lobbying force behind the bill.

### THE MAJORITY OPINION

Voting 7–2, the Court upheld the CTEA. The majority opinion, written by Justice Ruth Bader Ginsburg, rejected the two legal theories used by Eldred to challenge the CTEA, namely that:

- The CTEA violates the copyright clause of the U.S. Constitution, which permits copyright to be granted only for "limited times," and
- The CTEA impermissibly restricts free speech, as guaranteed by the First Amendment.

In his "limited times" argument, Eldred suggested that piecemeal extensions of copyright protection created a *de facto* perpetual term of copyright, which clearly violated the Constitution's copyright clause. Included in this legal argument was the policy argument that "life plus seventy" was simply too long a period for protection and kept works out of the public domain for far too long.

The Court was extremely critical of this argument, finding that "life plus seventy" is a limited time for Constitutional purposes. It rejected Eldred's argument that the CTEA created a de facto perpetual term of copyright on the grounds that Congress had previously extended the term of copyright several times — in 1831, 1909, and 1976. Since those extensions were constitutional, the Court reasoned, the CTEA must also be constitutional.

Although the Court suggested that the CTEA might be bad policy, the law satisfied Constitutional requirements. The Court emphasized that it is Congress's responsibility to make policy determinations, not the Court's.

The Court rejected Eldred's First Amendment argument on the grounds that facts and ideas contained in copyrighted works have always been available for public use — only an author's expression of those facts and ideas is protected by copyright. It noted that the copyright doctrine generally and the CTEA in particular have "built-in" First Amendment safeguards, including "fair use" of copyrighted material and the "library exception" of the CTEA, which permits libraries to reproduce works nearing the end of their copyright term for scholarly purposes, provided that the works are not otherwise publicly available.

The practical effect of the majority's decision was to lay to rest any uncertainty over the validity of the term of "life plus seventy." However, the majority's decision did not address other facets of copyright law important to visual artists. For example, the Court's discussion of the fair use doctrine, which permits the use of copyrighted materials for criticism, comment, news reporting, teaching, scholarship, or research, was limited to the relationship between the fair use doctrine and the First Amendment.

### THE DISSENTING OPINIONS

The two dissenting Justices, Stevens and Breyer, each wrote an opinion. Both justices considered the CTEA on very different grounds from the majority.

Justice Stevens rejected the CTEA on public policy grounds. He claimed that the "limited times" requirement was necessary to "promote the progress of science and the useful arts," the preambular language in the Copyright Clause of the U.S. Constitution. Progress is promoted, insisted Stevens, when works enter the public domain. Since the CTEA delayed the entry of works into the public domain by twenty years, progress was negatively affected.

Stevens also supported the theory that copyright is an agreement between the public and the author whereby the public grants the author a monopoly (a copyright) in his work as an incentive for the author to create. Stevens claimed that, as part of its initial agreement with the author, the public was entitled to rely upon works entering the public domain on the date specified when the copyright was granted.

Justice Breyer analyzed the CTEA from an economic perspective, noting that only 2% of copyrights between 55 and 75 years old are profitable. Breyer claimed that the CTEA gives a windfall to the copyright holders who own that 2%, while delaying the entry of the remaining 98% of copyrighted works into the public domain. Breyer also disagreed with the government's argument that the CTEA provided artists additional incentive to create: this windfall would be given to an artist's heirs or to the corporation that owns the copyright, not the artist. Thus, the incentive to artists would be no greater under the CTEA than under the previous copyright law.

### ALTERNATIVE PROPOSALS

In response to the Supreme Court's decision, Lawrence Lessig, the Stanford Law professor who argued the losing case for Eldred before the Court, suggested a compromise.

In an op-ed piece to the *New York Times*, written the day after the decision, Lessig suggested that copyright holders who wish to maintain their copyright more than fifty years after publication should pay a tax, as patent holders do. Since it is frequently difficult for those needing permission to determine who owns the copyright in a protected work (and from whom permission to use the work must be requested), Lessig's plan would create a registry of copyright owners still desiring protection. The registry would be searchable by anyone seeking to use the work. If a copyright owner failed to pay the tax for three consecutive years, the work would enter the public domain. Since many copyright owners are unaware that they own aging copyrights or are not interested in enforcing their rights, this would facilitate the entry of these works into the public domain.

Lessig's suggestion notwithstanding, changes to the current copyright law must come from Congress. There is little incentive, however, for Congress to change the law now that the Supreme Court has spoken.

— ALEXANDRA MINKOVICH
*Law Intern, IFAR*

## SCHULTZ APPEALS IN FEDERAL COURT

### ANTIQUITIES DEALER BRINGS CASE BEFORE THE SECOND CIRCUIT

Art dealer Frederick Schultz, convicted last year under the National Stolen Property Act (NSPA) of one count of conspiracy in an elaborate scheme to smuggle antiquities out of Egypt and into the U.S. in order to sell them, appealed his conviction in federal court on March 10, 2003. From the outset, it appeared that Schultz was fighting an uphill battle in his appeal before the three-judge Second Circuit panel, which peppered his attorney with difficult questions.

In June 2002 Schultz, former President of the National Association of Dealers in Ancient, Oriental, and Primitive Art, was sentenced to 33 months in jail and a $50,000 fine by the trial court. (See *IFAR Journal*, Vol. 4, nos. 2 & 3.) He was released on bail pending appeal.

Schultz's attorney argued "that the definitions of 'stolen' and 'ownership' used by the trial court differed from the American definitions of those terms."

His conviction was based on the applicability of the NSPA to his actions. The NSPA prohibits transferring property that is known to be stolen across state or national borders. The antiquities in question were considered stolen because, in 1983, Egypt passed Law 117, which declared all antiquities to be the property of the Egyptian government.

At his jury trial, the government presented evidence substantiating its charge that Schultz participated in the scheme to sell objects illegally obtained in and exported from Egypt. Schultz, however, was not permitted to raise the defense that he had thought the Egyptian law was merely an export law (the U.S. does not enforce the export provisions of foreign nations), rather than an ownership law. He also was not permitted to argue that, even if the Egyptian law were a valid ownership law, it could not be enforced against him because the definition of "stolen" used in the Egyptian law differed from the commonly understood American definition of "stolen."

## THE APPEAL

In a 65-page document, Schultz appealed his conviction on the following grounds:

- The NSPA does not reach claims of ownership based solely on a foreign country's declaration of national ownership.
- He should have been permitted to raise a defense of mistake of American law.
- The trial court judge's "conscious avoidance" instruction to the jury was in error.
- The trial court's admission of testimony concerning what other witnesses knew about Egypt's national ownership law was reversible error.

In his oral argument before the Second Circuit, Schultz's attorney, Paul Shechtman, focused on the first and third arguments. He spent most of his allotted fifteen minutes addressing the scope of the NSPA. His argument was grounded in history, stating that when Congress passed the NSPA in 1934, it did not intend to include foreign patrimony laws within the scope of the NSPA's protection. He added that the definitions of "stolen" and "ownership" used by the trial court differed from the American definitions of those terms. The Second Circuit judges appeared critical of this line of reasoning, suggesting that Congress was aware of socialist governments in 1934 and, therefore, could have contemplated the existence of national ownership laws. Thus, if Congress had wanted to exempt national ownership laws from the NSPA's protection, it could have done so.

## McCLAIN

In invoking the NSPA, the prosecution looked for precedent to the decision in *United States v. McClain*, 593 F. 2d 658 (5th Cir. 1979). In that historic — and still controversial — case, the Fifth Circuit determined that the NSPA applied in cases where a foreign country declared national ownership of its patrimony, and the defendants were found guilty of conspiring to smuggle Mexican antiquities into the U.S. in violation of Mexico's 1972 patrimony law. The Court affirmed the legal principle that the NSPA was applicable to the Mexican law, which declared government ownership of all antiquities. The defendants claimed — unsuccessfully — that, since the Mexican government never actually took possession of the antiquities in question, the antiquities could not be deemed "stolen."

Schultz argued that the *McClain* doctrine should not be followed because it is:

- criticized by many legal scholars;
- at odds with other U.S. policy regarding importation of antiquities, as evidenced by the Cultural Property Implementation Act (CPIA) of 1983; and
- rarely applied (Shultz's conviction was the first criminal conviction under the *McClain* doctrine since the landmark case itself.)

This is not the first time the Second Circuit (in New York) has had the opportunity to consider the validity of *McClain*. In a 1999 civil case, *U.S. v. An Antique Platter of Gold* (known as the Steinhardt case, after the collector who owned the gold platter [*phiale*] in question), the Second Circuit skirted the issue. Although the lower court had upheld *McClain*, the circuit court determined that it did not need to address whether the NSPA incorporated the property concepts contained in foreign patrimony laws. Instead, it affirmed the case on the narrower grounds of

failure to comply with customs regulations. In *Steinhardt*, the U.S. Customs Service had seized a gold *phiale* claimed by Italy under its 1939 patrimony law. It was allegedly looted and then smuggled out of that country, via Switzerland, into the U.S. The art dealer who brokered the sale had listed Switzerland rather than Italy as the object's country of origin on a U.S. Customs form, and also under-reported the object's value.

Although Schultz asked the judges to reject *McClain* (and *Steinhardt*) once and for all, the judges questioned his claims that the decision was incorrect or controversial. They suggested that although McClain had not previously been invoked in criminal cases, it had been used in civil forfeitures and had also been adopted by various U.S. regulatory agencies, such as the Department of Justice and the Customs Service. Furthermore, it noted, facts rarely arise that would permit prosecutors to win a conviction under *McClain*. In 1985, that very point was made in support of *McClain* by a Justice Department official during a congressional hearing, which represented one of several unsuccessful attempts to pass legislation in Congress to limit the *McClain* doctrine.

In a tense moment, one of the judges asked Schultz's attorney whether he was advocating special treatment for art dealers with regards to stolen property. He flatly denied that.

### THE CPIA SHOULD PREVAIL

Schultz argued that the Court should adopt the Cultural Property Implementation Act (CPIA), rather than the NSPA, as the proper statute under which to analyze the importation of cultural property. The CPIA implements the U.S.'s ratification of the 1970 UNESCO Convention on Cultural Property and was passed after eleven years of contentious debate among collectors, museums, archaeologists, and others. The resulting legislation represents a compromise. It prohibits the importation of "stolen" property, for example, but defines "stolen" narrowly, as that which is removed without authorization from the inventory of a foreign "museum or religious or secular public monument or similar institution." Moreover, it establishes procedures whereby foreign governments can apply for U.S. import restrictions on their cultural objects, and requires the foreign governments to show that the objects are in jeopardy of pillage.

### DOLE AND MOYNIHAN

Significantly, Senators Robert J. Dole and Daniel Patrick Moynihan, the CPIA's bi-partisan Congressional sponsors, filed a Friend-of-the-Court brief on Schultz's behalf, along with 25 other people (including distinguished collectors, curators, and dealers) calling themselves the "Citizens for a Balanced Policy with Regard to the Importation of Cultural Property." Their brief addresses only "the legal issue raised" in the case, namely "should the NSPA be interpreted to reach ownership claims based solely on foreign patrimony statutes . . ." and specifically does "not address the factual record in this matter. . ." The amici argue that the CPIA, not the NSPA, should be the relevant statute regarding importation of cultural property.

In his other argument, Schultz claimed that the "conscious avoidance" instruction that the trial judge gave to the jury was in error, and that his conviction should therefore be overturned. In that "conscious avoidance" instruction, Judge Rakoff, the trial judge, informed the jury that they could find Schultz guilty if they determined that he participated in the conspiracy and consciously avoided learning the contents of the Egyptian law. Schultz argued, however, that the judge should have told the jury that they could find him guilty only if the jury determined that he avoided learning the law *because he believed that there was a "high probability" that Egypt had a national ownership law.* Although one of the appellate judges noted that the trial judge did include the "high probability" language, albeit not in the correct syntax, the government conceded that the instruction was poorly phrased and could have been confusing to the jurors. Nonetheless, the government argued that its conviction wasn't based on the "conscious avoidance" theory since it had presented sufficient evidence of Schultz's guilt, including numerous documents and several days of testimony from Schultz's British co-conspirator, Jonathan Tokeley-Parry.

It is uncertain when the Second Circuit will publish its decision, but what is certain is that the Court's decision will have major implications for the future of the antiquities trade in the U.S.

— S.F. and A.M.

"The Court's decision will have major implications for the future of the antiquities trade in the U.S."

# BEWARE: HELIOGRAVURES CAN FOOL THE UNWITTING

SHARON FLESCHER*

There's a tendency to think that highly accurate art reproductions are a recent phenomenon, but high-end photomechanical reproductions — including heliogravures — began to proliferate over a century ago. Some are of such high quality that they are mistaken for originals, even though they were not created with the intention to deceive. Inquiries about such works are occasionally made to IFAR's Authentication Service, as was the case not long ago with a drawing purportedly by Edgar Degas.

Based solely upon a verbal description of the work, IFAR wondered whether it could be one of the many photomechanical reproductions of Degas' *oeuvre*, but the owner was adamant that it was not. He emphatically stated that there was no evidence of a printing process even when examined under magnification; nor, in his opinion, could a photogravure process have copied the original paper so well. Moreover, the work had been in his family for approximately fifty years, his father having purchased it in Paris just after World War II for the then considerable sum of $3,000. Therefore, he said, it couldn't possibly be a reproduction. He had no other provenance information.

FIGURE 1. Work submitted to IFAR for verification as a drawing by Edgar Degas.

*Sharon Flescher, Ph.D is Executive Director of IFAR.

Intrigued, IFAR accepted the project, and, with the aid of a paper conservator and an eminent Degas scholar, together with other researchers and specialists, confirmed its initial suspicions.

On first glance, the work in question (Fig. 1), showing a standing dancer, in profile, fluffing her 19th-century-style tutu, appears to be drawn in charcoal and pencil on rose colored laid paper. The paper is loosely attached to a larger white sheet imprinted with a decorative green rectangular border that surrounds the image (which measures 15⅞" x 10¼" without the border; and 17 1/16" x 11 15/16" with the border. The white sheet is 20½" x 15⅝").

Behind the dancer, facing rear, is a man wearing a hat. The entire drawing is squared, suggesting that it—or the original on which it was based—was intended as a study, possibly for transfer to a larger work.

The work has several identifying marks, including: the name "degas," lower left recto, in red script; an embossed (blind) stamp, at lower right recto of the image; and the number "80", on the lower right recto edge of the large white sheet on which the image is mounted. The paper also has a watermark lower right recto visible to the naked eye.

When submitted to IFAR, the work was in poor condition, manifesting disfiguring damage such as tears on the bottom edges and paint splatters on the decorative green border. It also was stained with microscopic insect droppings.

The work presented several possibilities regarding authenticity: either it was an authentic drawing by Degas, a copy by another artist, or a photomechanical reproduction. Although on first glance, it looked like an actual drawing, and, if so, possibly an authentic work by Degas, from the outset, as noted above, IFAR suspected that it might be a reproduction, albeit an excellent one. It was not possible to ascertain this, however, from the cropped photograph sent for the preliminary review (Fig. 2).

*From the outset IFAR suspected that it might be a heliogravure reproduction. . .*

If the work was an original Degas, it was presumably the drawing *Danseuse debout, de profil* once owned by Dr. Georges Viau, a Parisian dentist and art collector. He had purchased it as #339 at the third auction sale of Degas' works, which took place April 7–9, 1919, not long after the artist's death.

Several very good photomechanical reproductions of Degas' drawings are known to exist. Among the best are those produced in 1898, by the Parisian dealer/artist/printer, Michel Manzi, consisting of reproductions of 20 Degas drawings in a limited edition of 100 albums.[1] Another outstanding publication of heliogravures was published in 1923/24 by Henri Rivière (see below). Because of typewritten words on a label attached to the back of the work submitted to IFAR, we were able to narrow the IFAR investigation to the drawing reproduced as #80 in Rivière's portfolio.

FIGURE 2. Photo originally sent to IFAR.

Therefore, one of IFAR's first tasks was to locate a copy of Rivière's limited edition portfolio. Fortunately, copy #116 (of 250) is in the Wallach Art and Architecture Collection of the New York Public Library. Another copy is owned by the Cabinet des Estampes in Paris. Both copies were examined as part of IFAR's research.

Degas, a leader of the Impressionist movement and one of the most accomplished and experimental artists in the second half of the 19th century, was a superb draftsman. His drawings are characterized by their spontaneity and their keen observation of gesture and expression. Degas was particularly attracted to the straining muscles and unself-conscious

"DEGAS WAS ATTRACTED TO THE STRAINING MUSCLES AND UNSELF-CONSCIOUS POSES OF THE YOUNG BALLERINAS (CALLED "RATS" IN FRENCH) . . ."

[1] See *20 reproductions d'après des dessins de M. Degas*. Publ. by Jean Boussod, Manzi and Joyant and Cie., Paris, 1898.

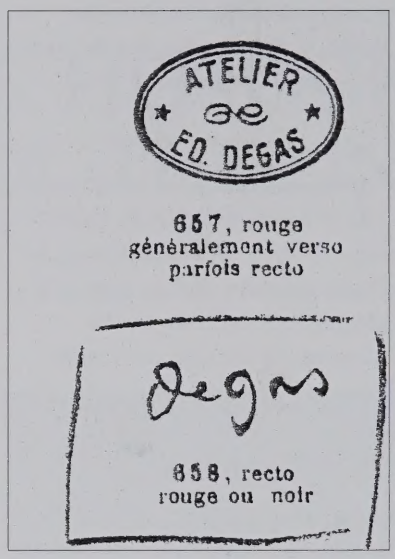
"In 1922-24, in Paris, Henri Rivière produced a numbered, limited edition portfolio containing facsimiles of 100 Degas drawings."

poses of the young ballerinas, (called "rats" in French), whom he studied backstage at the Opera House on the rue le Peletier in Paris and elsewhere starting in the early 1870s. In addition to his numerous finished paintings, pastels, and etchings of dancers performing on stage, he produced hundreds of drawings and sculptures of dancers rehearsing, stretching, yawning, and relaxing, such as the work submitted to IFAR. Most of these drawings were intended as studies.

Dozens can be found in his notebooks;[2] others were found in his studio after his death and were either

*"All the works by Degas that were sold at the auctions were stamped in red ink with Degas' signature or with the stamp of the 'atelier sale'."*

kept by his heirs or sold along with his extraordinary collection of works by other artists in a series of auction sales that took place in 1918-19.[3] In the third auction sale of Degas' own works, Dr. Viau purchased several drawings, one of which was the drawing corresponding to the work submitted to IFAR.[4] All the works by Degas that were sold at the auctions were stamped in red ink with Degas' signature or with the stamp of the "atelier sale"[5] (Fig. 3). The signature resembles the one in the lower left corner of the work submitted to IFAR (Fig. 4).



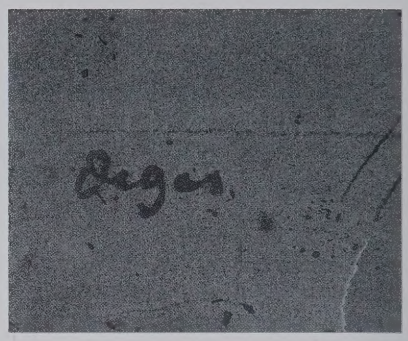




FIGURE 3. Left. Stamp of the Degas "atelier" sale, as published by Frits Lugt, *Les marques de collections de dessins & d'estampes.* Supplement, p. 117.

FIGURE 4. Top. Inscription, lower left recto, of work submitted to IFAR.

## RIVIÈRE'S HELIOGRAVURES

In 1922–24, in Paris, Henri Rivière produced a numbered, limited edition (250 copies) portfolio containing facsimiles of 100 Degas drawings (Fig. 5). The portfolio was initially sold in five installments of twenty drawings each over a two-year period, 1922–23. They were then combined into two halves: leaves #1–50; 51–100. Finally, in 1924, all 100 leaves were published in an oversize portfolio priced at 1,500 francs and titled:

*Les Dessins de Degas*
Éditions DeMotte
27, rue de Berri
Champs-Elysées, Paris VIII.

The portfolio on Degas formed part of a larger series on major French artists, titled:

*Dessins des Grands Artistes Français*
Ouvrage honoré d'une souscription du Ministère de l'Instruction publique et des Beaux-Arts

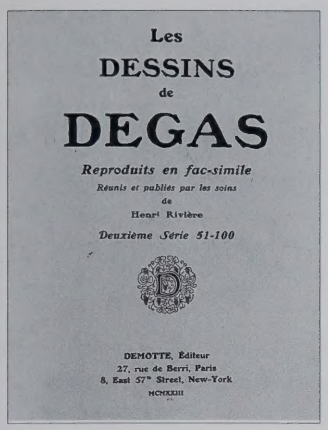
The drawing corresponding to the work submitted to IFAR is #80, and is numbered on the bottom right of the portfolio page, in the same place that the number 80 appears on the large sheet on which the IFAR drawing is mounted. The dimensions of the portfolio image and page are identical to those in the work submitted to IFAR.

[2] See Theodore Reff, ed. *The Notebooks of Edgar Degas*, 2 vols (London, 1976, rev. New York, 1986).

[3] There were three sales of Degas' art collection, including prints, and four sales of Degas' own paintings, pastels, and drawings: May 6–8, 1918; December 11–13, 1918, April 7–9, 1919, and July 2–4, 1919. A fifth sale, November 22–23, 1918, was devoted to Degas' prints — etchings, aquatints, lithographs, and monotypes. There were 2,715 items, 5,148 objects in all. For more information about Degas' collection and the auction sales, see: *The Private Collection of Edgar Degas*. Exhibition Catalogue, The Metropolitan Museum of Art, October 1997–January 1998. See, in particular, catalogue essays by Gary Tinterow, "Degas's Degases," pp. 75–109, and Caroline Durand-Ruel Godfroy, "Behind the Scenes: Durand-Ruel and the Degas Sales," pp. 263–271.

[4] In all, Dr. Viau bought 55 items at the Degas sales and sold off other works from his collection in order to do so. See Godfroy, *ibid*, p. 267, who cites a letter about Viau dated February 21, 1918, from Joseph Durand-Ruel to George Durand-Ruel.

[5] For Degas' signatures and the stamps of the auction sales, see: Frits Lugt, *Les marques de collections de dessins & d'estampes.* ... 2 volumes. (Amsterdam, 1921).



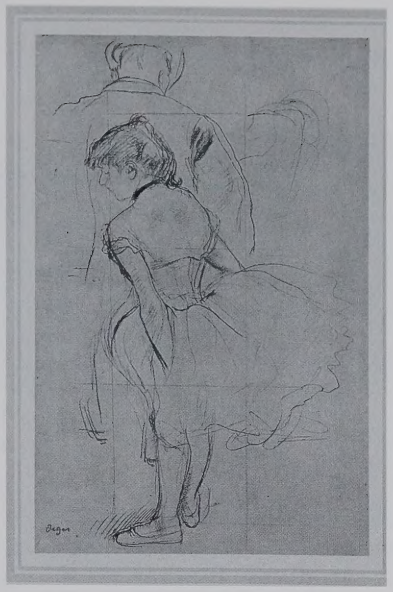



FIGURE 5. Far Left. Title page from *Les dessins de Degas*, Henri Rivière's portfolio of facsimiles of Degas' drawings. Art & Architecture Collection, Miriam and Ira D. Wallach Division of Art, Prints and Photographs, The New York Public Library, Astor, Lenox and Tilden Foundations.

FIGURE 6. "Danseuse debout, de profil," #80, from Henri Rivière, *Les Dessins de Degas*. Art & Architecture Collection, Miriam and Ira D. Wallach Division of Art, Prints and Photographs, The New York Public Library, Astor, Lenox and Tilden Foundations.

The 100 facsimiles reproduce Degas' drawings in a variety of media, including pencil, charcoal, pastel, and chalk, and on a variety of papers, but all the facsimiles are surrounded by decorative borders, some in green, some beige, some blue. The green borders in the portfolio are identical to the border in the work submitted to IFAR (Fig. 6). The fidelity and quality of the facsimiles are remarkable.

All the works also bear an embossed "blind" stamp. *Danseuse debout*, #80, has the stamp on the lower right recto, exactly where the stamp exists in the work submitted to IFAR (Fig. 7). In the preface to the portfolio, on the "credit" page, the same stamp is reproduced in red ink following the printer's name, making clear that the embossed stamp denotes that the work is a heliogravure produced for the portfolio (Fig. 8).

It was standard practice when producing high-end heliogravures to include a blind stamp specifically to avoid any confusion with the original and to attest to the technical virtuosity of the publisher/printer.

Several other facsimiles in the Rivière portfolio also bear a "degas" signature in red identical to the ones both on plate #80 in the portfolio and on the work submitted to IFAR. As noted above, this is intended to replicate the stamp on the Degas works sold posthumously at auction.

Five of the drawings in Rivière's portfolio belonged to Dr. Viau. Plate #80 bears the following entry:

> *Danseuse debout, de profil,*
> *faisant balloner sa Robe*
> Hauteur 475 mill [47.5 cm]
> Largeur 370 mill [37.0 cm]
> crayon noir sur papier rose
> 3e Vente, #339
> Timbre de la Vente
> Vers 1875–76
> Coll. de M. le Dr. Viaud [sic],
> Paris

Note that Dr. Viau's name on the entry is spelled incorrectly, with a "d." The error is repeated on the typewritten label adhered to the back of the IFAR work.

Significantly, the dimensions of Dr. Viau's drawing differ from the dimensions of the facsimile: the original is 47.5 cm x 37.0 cm; whereas the facsimiles are 40.3 cm x 26 cm, as is the work submitted to IFAR.

## HELIOGRAVURE

Heliogravure, a form of photogravure, is an early photomechanical printing process invented in the mid-19th century and perfected toward the end of the century, when it was developed commercially. It combined photographic technique and traditional etching processes, and was often used when high-quality reproductions were required. The term heliogravure is applied to the type of photogravure perfected in France, which used bitumen as a resist on the etching plate.

In brief, the process began with a copper plate covered with an aquatint ground over which was adhered a photosensitive gelatin layer which had been exposed to a positive transparency of the image. Submersion in warm water dissolved the unexposed gelatin, which had remained soft. The plate with its remaining hardened gelatin layer and aquatint ground was subsequently etched, inked, wiped, and printed in the traditional intaglio manner.

The process produced images that were remarkably faithful to the originals. To prevent confusion or fraudu-

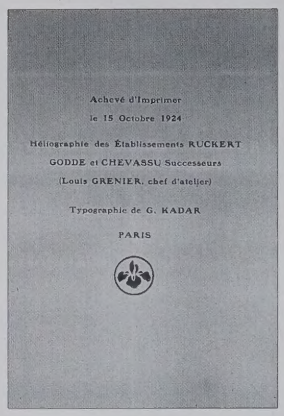



FIGURE 7. Above left. Detail of work submitted to IFAR, showing embossed "blind" stamp.

FIGURE 8. Right. Credit page of Henri Rivière's *Les dessins de Degas*, showing embossed "blind" stamp. Art & Architecture Collection, Miriam and Ira D. Wallach Division of Art, Prints and Photographs, The New York Public Library, Astor, Lenox and Tilden Foundations.

lent misrepresentation, blind stamps such as the embossed stamp discussed above, were placed on the prints. Other means, such as altering the dimensions of the work from the original, were also employed.

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To help with its research on this project, IFAR consulted with Theodore Reff, Professor Emeritus Columbia University, and one of the world's foremost Degas scholars. Professor Reff examined Plate #80 of Henri Rivière's portfolio in the collection of the Cabinet des Estampes in Paris and the actual work submitted to IFAR, in New York. IFAR also involved Margaret Holben Ellis, Professor, Conservation Center, Institute of Fine Arts, NYU, and a noted specialist of works on paper, and Maya Naunton, an advanced graduate student at the Conservation Center.[6]

"IT WAS STANDARD PRACTICE WHEN PRODUCING HIGH-END HELIOGRAVURES TO INCLUDE A BLIND STAMP SPECIFICALLY TO AVOID ANY CONFUSION WITH THE ORIGINAL..."

Examination under high-powered magnification confirmed that the work was a heliogravure reproduction and not an original drawing. Magnification revealed a fine network of black grains representing the finely ground bitumen that was sprinkled on the plate. Magnification also showed that the lines in the IFAR work appear flat and of uniform thickness; they skip the grooves in the paper and lie on the *surface*, not *in* the paper as they would if the work were an authentic drawing made with the pressure of the artist's hand. This is particularly evident in an area near the man's left shoulder. Similarly, because this is a print, there is no modulation in the way the line is deposited on the paper. In a true drawing, there is usually variation in the depth of the line — more deposit of pencil, charcoal, or chalk at the beginning or end of the line because of the way the artist's hand moves. (This is one characteristic that distinguishes a left-handed artist from a right-handed one.)

Under magnification, there was no feathering of the "degas" estate stamp, confirming that the "signature" was merely a facsimile of the ink stamp used in the Degas auction.

The IFAR work is on laid paper, as was the original Degas drawing. However, magnification revealed that the lines of the laid paper in the IFAR work do not fully correspond to the laid lines in the original drawing. This is particularly noticeable in the area of the dancer's head, just to the left of the ear. It should be pointed out, however, that the laid areas of the two papers do frequently correspond, reflecting the great care that was obviously taken when producing the facsimiles.

Furthermore, whereas the original Degas drawing, made on "papier rose," is colored on both sides, the paper of the IFAR work is rose-tinted only on the recto. This is because its rose color is a result of the aquatint printing process. The one-sided tint would not have been apparent when the paper was firmly attached to the portfolio page.

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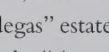
In conclusion, laboratory inspection reinforced both connoisseurship and scholarly research to show that the work submitted to IFAR was a plate from one of the heliogravure portfolios published by Henri Rivière and not an original drawing by Degas. Significantly, precautions taken by the publisher of the heliogravures to avoid confusion between the original drawing and the facsimiles were forgotten over time, so that when facsimile #80 got separated from the portfolio, it was misrepresented — innocently or not — and sold as a Degas to the current owner's father in Paris c.1950. *Caveat emptor!*



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[6] IFAR would like to thank Professors Ellis and Reff and Ms. Naunton for their gracious assistance. For more information on heliogravures in the 19th century, see, among others: Maya Naunton, "Original Intaglio Print or Photomechanical Copy?," *IFAR Journal*, Winter 1999/2000, pp. 29–32.

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RENOIR, *Tête de Jeune Fille (Gabrielle)*, 1895. N78.326.1. Oil on canvas, 48.5 x 39.5 cm. Signed upper left. Listed in Vollard, Vol. 1, #394, p.98

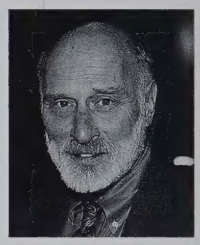
PISSARRO, *Chemin de Plaine, Avec un Porte de Jardin à Droite – Dorfstrasse*, 1871. N78.326.2. Oil on canvas, 46.5 x 55 cm. Signed lower left. Listed in Venturi, 1939. Plate #26–#126.

# BEYOND CONNOISSEURSHIP?

## THE FUTURE STUDY OF MASTER DRAWINGS

TUESDAY, DECEMBER 3, 2002

DAVID ROSAND*



David Rosand, IFAR Evening, December 3, 2002

EDITOR'S NOTE

**On December 3, 2002, David Rosand, the Meyer Schapiro Professor of Art History at Columbia University, spoke before an IFAR audience about the study and connoisseurship of Old Master drawings, the subject of Professor Rosand's highly praised new book: *Drawing Acts: Studies in Graphic Expression and Representation* (Cambridge University Press, 2002). The following article is an edited and expanded version of the *IFAR Evening* talk.**

I open with Pieter Bruegel's drawing *The Painter and the Connoisseur* (Fig. 1), as a call to humility in talking about connoisseurship. The title of my talk, "Beyond Connoisseurship," without its question mark, is one that I was for many years entertaining for the first chapter of my book on drawing. As I read further in connoisseurship — that is, the literature of the connoisseurs themselves, especially eighteenth-century figures like Pierre-Jean Mariette and his colleagues in Paris — I realized that it was the arrogance of callow youth, pretending to some more modern critical calling, that dared to talk of going "beyond" connoisseurship. I came to have increasing respect for the perceptive observations that a connoisseur like Mariette was capable of in responding to a drawing, for his ability to articulate qualities of style, for his ability to project himself into

FIGURE 1. Pieter Bruegel, *The Painter and the Connoisseur*. Pen and brown ink, 27.5 x 21.5 cm. Graphische Sammlung Albertina, Vienna (7500). Photo: Erich Lessing/Art Resource, NY.

*David Rosand is the Meyer Schapiro Professor of Art History, Columbia University, where he serves as the Chairman of the Miriam and Ira D. Wallach Art Gallery. He is also a member of IFAR's Art Advisory Council.

FIGURE 2. Raphael, *Studies of the Virgin and Child*. Pen and brown ink, some traces of red chalk, 25.4 x 18.4 cm. British Museum, London (Ff. 1-36). © Copyright The British Museum.

*"As the most personal expression of an artist, drawing was recognized as the trace of personality, the handwriting of the artist."*

the creative process, to redraw the drawing in his imagination. Articulate connoisseurship led to eloquent art criticism. I was eventually embarrassed by the hubris of my title: hence the question mark. And, yet, I do wish to pursue this idea further, to explore with you the possibilities of a larger vision and discourse in the study of drawings by discussing two great, and quite different, master draftsmen: Michelangelo and Rembrandt.

A theory of drawing was fully articulated in the Renaissance, and was given its most influential formulation by Giorgio Vasari. Drawing was recognized as the graphic record of the moment of artistic inspiration, and the sketch came to be appreciated as the very first statement that an artist makes with his hand of an idea formulated in his mind — and, to get even more Platonic, that has been inspired by a higher source. As the most personal expression of an artist, drawing was recognized as the trace of personality, the handwriting of the artist. Vasari himself offers the analogy: we recognize somebody's hand in a drawing just as we would recognize the handwriting of a friend in a letter. This is a fundamental assumption that we all make: that somehow we can recognize the hand of the artist, by which we mean, of course, his style. With sketches, such as Raphael's *Studies of the Virgin and Child* (Fig. 2) in the British Museum, we indeed recognize the quality, character, and personality of the draftsman, in and through the traces of his circling pen. We know the artist in his line.

Such assumptions actually go back to classical antiquity. Any account of the history of drawing criticism must start with Pliny the Elder. In Book XXXV of his encyclopedic *Natural History* — which is devoted to the origins and development of painting — Pliny describes two lines that in a very fundamental way represent everything that the pictorial arts are about. One of them is the famous line of Apelles, narrated in the following anecdote: Apelles, the most celebrated painter of ancient Greece, visits another famous painter, Protogenes, on the island of Rhodes. The two had never met. When Apelles arrives, Protogenes is out of the studio. The servant asks whom she should say had called; in response the visitor picks up a brush and draws a single line on a panel. "When Protogenes returns, show him this; he'll know who it was." Sure enough, Protogenes

". . .I REALIZED THAT IT WAS THE ARROGANCE OF CALLOW YOUTH, PRETENDING TO SOME MORE MODERN CRITICAL CALLING, THAT DARED TO TALK OF GOING 'BEYOND' CONNOISSEURSHIP."

returns, the servant explains what happened, he looks at the line and declares in recognition: "Ah! Apelles was here." Here, then, we have the origins of Western connoisseurship: the line as self-referential, the trace of its maker.

Then, there is Pliny's second line, the line as representation. This is the line of Parrhasios. By the time of Parrhasios, the challenges of color had been fully mastered. The true master was now recognized as the one who could draw the finest line, one that inflects itself back into space, so that it seems to conceal something behind itself. Like a horizon line, this is a spatialized line, implying extension beyond its bounding limit. It is the mimetic outline, the functional line of pictorial representation. These two lines singled out by Pliny provide the foundation of Western painting, and their celebration also confirms the very basic aspect of drawing in that art.

"STIPPLING IS A POINTILLIST TECHNIQUE, MODELING THROUGH DOTTING. IT IS A TECHNIQUE USED IN PEN AND INK DRAWING, IN ENGRAVING AND ETCHING, BUT YOU *DON'T* STIPPLE IN CHALK."

## MICHELANGELO

In 1979, there was an exhibition of Michelangelo drawings from the British Museum at the Pierpont Morgan Library. My graduate seminar on drawing spent some time at that exhibition; reading the catalogue and wall labels gave us pause, however, for so many of the drawings seemed to be misdescribed. And indeed they were. Carefully worked chalk drawings such as this *Christ on the Cross* (Fig. 3), presumably made for Vittoria Colonna, were described as being executed in black chalk and stippled. Now, stippling is a pointillist technique, modeling through dotting. It is a technique used in pen and ink drawing, in engraving and etching, but you *don't* stipple in chalk. As chalk is drawn across the paper, it is the tooth of the paper that naturally stipples, pulling off granules of pigment to leave a textured mark. For an exhibition label to so misdescribe the technique of a drawing suggested an incredible distance between the connoisseur in the print room and the practice of the artist in the studio. Indeed, when, a few years later, I was in London, I took a group of these drawings from the print room of the British Museum to the laboratory with Eric Harding, the museum's paper conservator. I asked him whether there was any stippling in these drawings. His immediate, and proper, response was: "Of course not." But then he added: "Oh, yes. Here, where I retouched a little bit." I asked whether he had discussed this with the keeper. His reply: "Oh, [he] never discusses such matters with me." And there, again, was the incredible distance between the connoisseur and the technical expert — literally, upstairs/ downstairs at the British Museum.

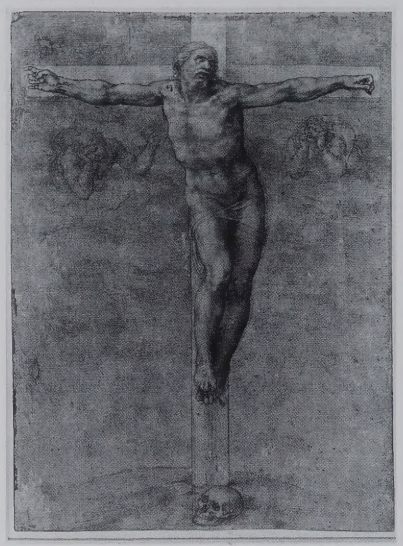


FIGURE 3. Michelangelo, *Christ on the Cross*. Black chalk, 37 x 27 cm. British Museum, London (1895-9-15-504 [Wilde 67]). © Copyright The British Museum.

We do, of course, treat drawings like precious objects. For obvious reasons we keep them in solander boxes, away from the light. Students of my generation were not generally welcome in the print rooms of museums in New York. The British Museum, on the other hand, did give students access to their riches — drawings by Michelangelo, Raphael, Rembrandt. But to see drawings at the Metropolitan Museum or, even more daunting at that time, at the Morgan Library required passports and visas. So my generation grew up without being able to handle drawings directly, to become intimate with them, except for those of us who were fortunate enough to have taken seminars at Columbia or the Institute of Fine Arts with János Scholz. That wise and generous collector encouraged students to appreciate the physical realities of a drawing, from the varieties of medium to the particular qualities of paper. Of *what* was a drawing made? *How* was it made? These necessarily became primary questions.

*"There's nothing more discouraging to a student than having some older scholar or collector challenge you, asking why in the world you need to see a drawing that has been so published. Why do you need to see the original?"*

We generally tend first to ask basically art-historical questions of drawings: *Why* was a drawing made, for what purpose? What was its function? Is it a preparatory drawing? Is it

a record of something? Was it intended as a gift, as in the case of something as finished as Michelangelo's *Christ on the Cross*? And then we put it back in the solander box, declaring that it has been "published," and that's it. There is nothing more discouraging to a student than having some older scholar or collector challenge you, asking why in the world you need to see a drawing that has been so published. Why do you need to see the original? I do believe that we have gotten beyond that particularly narrow sense of connoisseurship.

How, then, *is* a drawing like this made? The effect of stippling was already appreciated in the sixteenth century by Vasari and Francisco da Hollanda. But it was John Addington Symonds, in the late nineteenth century, who apparently first used the word itself in describing Michelangelo's finished chalk drawings. Symonds's vocabulary was subsequently adopted by others, especially Johannes Wilde, who in turn gave it great currency through his catalogues of the Michelangelo drawings at Windsor and in the British Museum. It was Wilde's description that informed the wall labels of the Morgan Library.

Stippling is a very painstaking process and requires time and patience. Wilde had logically concluded that Michelangelo's drawings must have taken weeks to execute, if not months. And yet, in one series, the Phaethon drawings, Michelangelo wrote to Tommaso de' Cavalieri, "If this sketch doesn't please you, tell Urbino [his servant] so that I may have another done by tomorrow evening." Wilde's observation divorces critical response from the creative act, and the consequences go beyond the technical descriptions of catalogue entries and exhibition labels. They involve more profound issues of interpretation and lead us beyond the conventional agenda of connoisseurship.

FIGURE 4. Michelangelo, *The Risen Christ*. Black chalk, 37.3 x 22.2 cm. Royal Library, Windsor Castle (12768). The Royal Collection ©2003, Her Majesty Queen Elizabeth II.

What is the meaning of a drawing like this? (Fig. 3) It has obvious religious significance, but how does it go beyond descriptive iconography? In this particular case we have the response of the recipient, Vittoria Colonna. Acknowledging receipt of this *Christ on the Cross,* she writes that this crucifix has

> crucified in my memory whatever other pictures I have ever seen. One cannot conceive of an image better made, more living or more finished, and certainly I could never explain how subtly and marvelously it is executed. I have looked at it carefully in the light, with a lens and with a mirror, and I have never seen anything more finished.

Light, lens, mirror: she is a connoisseur, and yet Vittoria Colonna was one of the leading Catholic reformers. She begins with pious recognition of the image, responding to the drawing as a crucifix. Then her response turns aesthetic: she pulls back, or actually gets closer to the drawing *qua* drawing, with her lens, to see just how it was made.

FIGURE 5. Michelangelo, *The Punishment of Tityus*. Black chalk, 19 x 33 cm. Royal Library, Windsor Castle (12771). The Royal Collection ©2003, Her Majesty Queen Elizabeth II.

FIGURE 6. Michelangelo, *The Risen Christ*. Black chalk. Verso of Fig. 5.

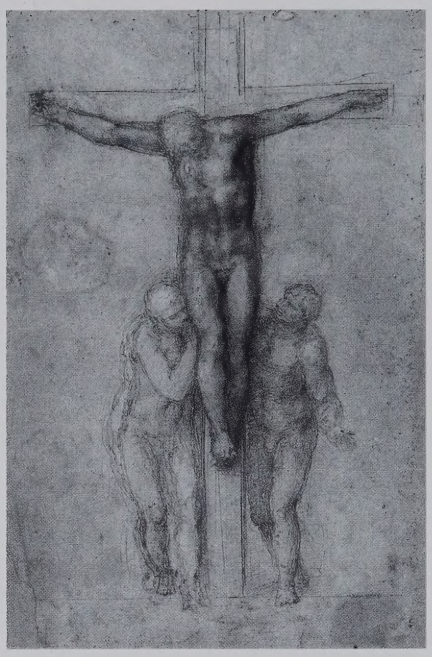


FIGURE 7. Michelangelo, *Christ on the Cross with the Virgin and St. John*. Black chalk, white paint, 41.2 x 27.9 cm. British Museum, London (1895-9-15-510 [Wilde 82]). © Copyright The British Museum.

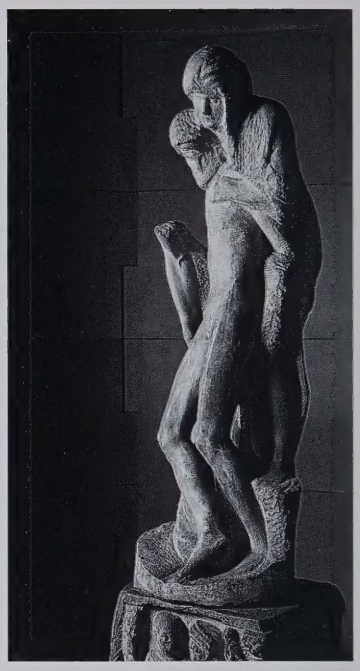


FIGURE 8. Michelangelo, *The Rondanini Pietà*. Marble. Castello Sforzesco, Milan. Photo: Nimatallah/Art Resource, New York.

So how *were* such drawings made? Another British Museum drawing that Wilde described as being stippled is this *Risen Christ* (Fig. 4). But, again, the process of putting dots on a sheet of paper is different from stroking that surface. It's the stroking that is so important, for that is the way that Michelangelo brings a figure out. I don't want to push the sculptural analogy too far, but there is a sense in which the figure emerges from the paper, and it emerges gradually. When one gets into it, as in this detail, one sees the stroking — the chalk running over the paper — and the tooth of the paper — its roughness dragging granules from the chalk and leaving an irregular surface tone. This is a process in which the hand of the draftsman is moving across the paper and across the body that he is representing. It's a very different experience from stippling in that the hand is in constant touch with the body. Remaining in touch with the body was a crucial part of the experience for Michelangelo and for the recipients of his drawings.

*"Most of Michelangelo's finished drawings were intended for others. Many were made for the young nobleman Tommaso de' Cavalieri, sent as tokens of love . . ."*

Most of Michelangelo's finished drawings were intended for others. Many were made for the young nobleman Tommaso de' Cavalieri, sent as tokens of love — as were so many expressive sonnets. Such was the *Punishment of Tityus* (Fig. 5), which was evidently delivered with another drawing showing the *Rape of Ganymede*, of which there are several versions extant (one possibly autograph). These were drawings that through theme and subject matter alluded to the beautiful male body. Tityus was a sinner who had attempted to rape Latona, mother of Apollo and Artemis. His punishment in Hades was to have his liver devoured by a vulture, the liver being thought to be the seat of such passion. Cavalieri responded just as Vittoria Colonna would. Thanking the artist, he writes that he marvels at the drawings, looks at them, holds them up to the light. Taking great delight in the drawings, he becomes a connoisseur. And then, according to the biographers, Cavalieri becomes Michelangelo's drawing pupil; the master makes

drawings for him as lessons in the art. The issue is one that still awaits fuller clarification. Michelangelo was indeed open to insinuations of homosexuality and sodomy. In defending him against such charges, Ascanio Condivi describes Michelangelo as falling in love with beauty, in any form — a beautiful face, a beautiful horse, anything of beauty. He is attracted to beauty in a kind of Platonic dynamic. Condivi insists that there was nothing improper in the relationship with Cavalieri, comparing it to the way Alcibiades slept with Socrates, a pure act.

If we recognize that the drawing process was one of stroking, caressing, we may have a very different sense of how a drawing like the Tityus was made, of the feeling that went into it. I am not going to suggest that we therefore fully comprehend the motivation behind it, but there is a sensuousness in the drawing that we ourselves respond to and that connoisseurs have long appreciated. Mariette in particular, talking about the surface of such drawings by Michelangelo, concludes that it is flesh itself: "C'est la chair même." That is exactly the response that seems appropriate to the sensuousness of the drawing and corresponds to the sensuousness of the act of drawing — of a drawing Michelangelo intended for this young man with whom he had fallen in love.

There is a further complication to this sheet. On the verso the figure has been traced through and has become something else (Fig. 6). Turned vertically, the sinner Tityus becomes the resurrected Christ. This alerts us precisely to the charge of the human body for Michelangelo. The body itself, in its pagan sense, in Tityus, becomes quite naturally for Michelangelo *the* body in the context of Christian culture, that is, the body of Christ. From the very beginning, Michelangelo is the author of the most beautiful body of Christ, displayed in the lap of his mother in the *Pietà* in Saint Peter's. At the same time, he is polishing a tipsy Bacchus, celebrating the sensuality of flesh in marble. We are at the very core of Michelangelo's art. The problem of materiality is given urgent verbal expression in his poetry, in which the idea of the figure, the idea of the body itself, is seen in stone, waiting to be liberated from that material bondage. Within a Neoplatonic/Christian context, it is spirit being liberated from matter. And yet, for Michelangelo the artist, spirit can never be anything but matter, the soul can only be figured as the body.

This paradox is one of the great sources of the expressive power of Michelangelo's art, culminating in a group of drawings in which the body is celebrated most overtly, the image of *Christ on the Cross with the Virgin and Saint John*. I illustrate the most poignant of the series (Fig. 7). All of these drawings are very heavily worked, in black chalk with white opaque paint, hardly typical of Michelangelo. Alexander Perrig, the *enfant terrible* of Michelangelo connoisseurship, has rejected them, suggesting instead an attribution to Marcello Venusti — not a persuasive alternative. Admittedly, there are problems with these drawings, but I believe their extraordinary power affirms Michelangelo's authorship. The intensity of the figures of the Virgin and Saint John achieves a particular eloquence in this drawing. Her merging with the body on the cross through shared contour declares the profoundest significance of that body, as eucharistic corpus. An intense physicality runs through these late drawings, which are done — overdone — almost to obliteration. They begin to lose their articulation and become heavily encrusted with their own materiality, especially the opaque white paint. One has the sense here that the artist just could not stop.

In the Florentine *Deposition*, the sculpture intended for his own tomb, Michelangelo put himself in direct contact with the corpus, depicting himself as Nicodemus supporting the body of Christ as it is lowered into the lap of the Virgin. Having completed the group, Michelangelo evidently found flaws in it and, after removing the leg that originally went over the thigh of the Virgin, he gave it away. Shortly after, Vasari reports, he acquired another piece of marble — this is when he was primarily occupied as an architect, with the building of Saint Peter's — from which he carved the work we know as the *Ron-*

"An intense physicality runs through these late drawings, which are done — overdone — almost to obliteration. . . . One has the sense here that the artist just could not stop."

*"Turned vertically, the sinner Tityus becomes the resurrected Christ. This alerts us precisely to the charge of the human body for Michelangelo. The body itself, in its pagan sense, in Tityus, becomes quite naturally for Michelangelo* the *body in the context of Christian culture, that is, the body of Christ."*

FIGURE 9. Rembrandt, *Christ Walking on the Waves*. Pen and brown ink, 16.5 x 26.5 cm. British Museum, London (1895-9-15-1262 [Benesch 70]). © Copyright The British Museum.

FIGURE 10. Rembrandt, *Christ Walking on the Waves*. Reed pen and brown ink, touched with white, 19.1 x 29.1 cm. British Museum, London (1910-2-12-180 [Benesch 1043]). © Copyright The British Museum.

*danini Pietà* (Fig. 8). From a visitor to his studio we know that the sculptor was still working on it six days before his death. The group of the dead Christ supported by his mother had already been completed, but Michelangelo continued to chisel away at the marble, reducing the sculpture to the ghost that we see today. I am suggesting that there is the same intense engagement here as with the body of Christ on the cross in the drawings. The artist simply cannot stop, cannot let go. Nor, if one views this in a proper religious context, should he. For here the artist is in a privileged position of putting himself in perpetual contact with the eucharistic body, that is, with the corporal source of his spiritual salvation. An equivalent gesture in painting is Titian depicting himself reaching for and holding the body of his savior in the *Pietà* that he intended for his own tomb. Through the medium of their art, then, artists can be in perpetual prayer for their own salvation, and Michelangelo above all was very worried about his.

*"To go back to my hobbyhorse, stippling is not the way you make love to a piece of paper . . . And that is indeed what is happening in Michelangelo's finished drawings, in a sacred and profane way."*

It is this intimacy, but above all this constant working of the body, that we cannot ignore but must consider in the context of Michelangelo's drawings. The act of drawing in this late series of Crucifixes — and every Michelangelo scholar has had a similar response — is read as prayer, as a dedication to the divine. The gifts to Cavalieri were tokens of love. In other words, the act of drawing itself carries for Michelangelo a passionate commitment. To go back to my hobbyhorse, stippling is not the way you make love to a piece of paper, not the way you transform chalk into "la chair même." And that is indeed what is happening in Michelangelo's finished drawings, in a sacred and profane way

## REMBRANDT

I want now to shift to Rembrandt and a second, related issue. In a way, my drawing project began with Rembrandt, several decades ago, in my undergraduate course on drawings and prints. The most satisfying drawings to talk about were those of Rembrandt. Those were the drawings I would have liked to have created, for

FIGURE 11. Rembrandt, *Jacob Lamenting at the Sight of Joseph's Blood-Stained Coat*. Pen and brown ink, brown wash, 17.2 x 15.5 cm. Kupferstich-Kabinett, Staatliche Museen zu Berlin, Preussischer Kulturbesitz, Berlin (KdZ 5213 [Benesch 95]). Photo: Jörg P. Anders.

FIGURE 12. Rembrandt, *Jacob Lamenting at the Sight of Joseph's Blood-Stained Coat*. Pen and brown ink, brown wash, corrections with white body-color, 16.2 x 22 cm. Fitzwilliam Museum, Cambridge (PD.40-1961 [Benesch 1020]). Reproduction by permission of The Fitzwilliam Musuem, Cambridge.

*"I spent many years celebrating a drawing in the Morgan Library . . . as an example of Rembrandt's late style, until, suddenly, it was exhibited in London as by Willem Drost."*

the very experience of imagining what Rembrandt imagines with his pen. I thus entered the extremely problematic and challenging field of Rembrandt drawings with all the enthusiasm and ingenuousness of youth. And I learned some embarrassing lessons in connoisseurship. For example, I spent many years celebrating a drawing in the Morgan Library of *The Angel Departing from the Family of Tobit* as an example of Rembrandt's late style, until, suddenly, it was exhibited in London as by Willem Drost. You could see immediately that the hands were awkwardly rendered; it just made no sense as by Rembrandt. Once it is pointed out to you, of course, you see nothing but weakness, a follower not quite up to the graphic sureness of the master. It was an important, if obvious, lesson in connoisseurship: look carefully, and look again.

What interested me most as I approached Rembrandt the draftsman was watching him imagine the human body. It is fairly conventional to talk about early (from the 1630s) and late (from 1650s) Rembrandt, and I will offer a series of comparative examples for consideration. In two Rembrandt images from the British Museum of *Christ Walking on the Water* (Figs. 9 and 10), what is striking is the difference in Rembrandt's conception of narrative and action. In the early works, which are typically drawn with a certain energy, figures reach out, hands open, fingers articulated, the body extends into space — a style we are tempted to call "baroque" in the dramatic, overtly theatrical sense of the term. Between mutually reaching hands, space is charged with potential. The later drawing tells the same tale — Peter, about to sink between the waves, reaching out to Christ — but the figure-to-figure relationship is differently conceived. Contact is actually made, as spatial gaps close. Figures begin to merge, and individual figures withdraw into themselves, so that, instead of reaching out, Christ is more restrained, self-contained, almost passive in allowing Peter to grasp his arm. There is no longer a sense of physical extension, of potential touch. Rather, there is grasping. The determining values are not so much tactile, in the sense of touch, as haptic (in Aloïs Riegl's term), in the sense of holding on. As one considers these differences, one develops a very different sense of the way that Rembrandt himself imagined.

FIGURE 13. Rembrandt, *Woman Carrying a Child Down Stairs*. Pen and brown ink, brown wash, 18.5 x 13.3 cm. Pierpont Morgan Library, New York (I,191 [Benesch 313]).

FIGURE 14. Rembrandt, *Man in a High Cap Walking*. Reed pen and brown ink, 14.7 x 6.2 cm. Rijksmuseum, Amsterdam (inv. RP-T-1930-40 [Benesch 1068B]).

Recent scholarship has focused on the operations of Rembrandt's studio, the ways in which he dressed his pupils, posed them, used mirrors to get front and back poses from the same model, and so on. In these relatively small dramatic drawings, however, I think that we are dealing with an artist who had it all in his mind and in his hand — the hand itself as an extension of the body, the hand imagining the body. This opens the fundamental issue of the phenomenology of drawing — graphic style itself being an extension of the motions of the body. What about those motions? What is the difference between a thirty-year-old artist and a fifty-five or sixty-year-old artist? Is there what we might call a physiology of style? We tend to assume the increasing wisdom of the older artist; we talk about *Altersstil*, old-age style, as a phenomenon. With age, we assume, comes wisdom and a deeper capacity for human feeling. Before the end of his own life, Rembrandt had lost his wife Saskia and second, common-law wife, Hendrickje, as well as his son Titus. And we look for signs of such suffering, expecting it to find expression in his work.

In the late drawings, however, there is very little physiognomic expression, such as we find in the earlier work. Another comparison: early and late renderings of Jacob being shown Joseph's bloody coat (Figs. 11 and 12), a theme of extreme pathos: a father confronting the signs of the death of a son. The earlier version is fully baroque Rembrandt. Jacob throws himself back, and the agony of the face is the significant expressive focus of the drawing. The action is violent; we can perform a full Wölfflinian analysis here in terms of baroque diagonals. But when we turn to the later version of the same subject, we sense a quieting in every dimension: forms become less dynamic, gestures less violent, expressions less mobile. A very different sense of the body and its potential informs these drawings. Such quieting runs throughout Rembrandt's later dramatic art, but especially in his drawing style.

*"In the early work, [Rembrandt] tends to use the quill pen, a flexible instrument, which gives him long, calligraphic lines. In the later work, he predominantly chooses a reed pen."*

A shifting preference of drawing instruments also distinguishes Rembrandt's early and late drawings, and the selection affects his penmanship. In the early work (Fig. 13), he tends to use the quill pen, a flexible instrument, which gives him long, calligraphic lines. In the later work (Fig. 14), he predominantly chooses a reed pen. A stiffer implement, the reed is more resistant; holding less ink than the quill, it doesn't offer the same fluidity. What we find, therefore, in later drawings is a sense of the loss of ink in single strokes, the solid mark tending to dissipate into broken spots of ink — what another culture might call "flying white." The stiffness of the reed itself corresponds to — even as it defines — the stiffness that we feel in Rembrandt's figures. Their reluctance to reach out, to break the contours of their bodies, is a manifestation of what I proposed to call the physiology of style. Without suggesting that we look into his medical records for arthritis and rheumatism, I believe that we do

confront the artist's sense of his own physical being. Drawing is, after all, a trace of the body. Drawing is a movement of the hand through space, leaving a record of its path. And behind its mark, informing it, is a sense of the body. Phenomenologically, it is through his own body that the draftsman imagines the bodies of others.

A final comparison may serve to epitomize this: two drawings of women teaching a child to walk (Figs. 15 and 16). The early study, in red chalk, represents a full three generations, as the child is supported on one side by a stooping grandmother and encouraged on the other by a leading mother; it is the extended gesture of the mother that opens the prospect of space beyond, activating it and charging it with potential. Later, the child is no longer encouraged out into the world at large, but is instead guided back into a protective circle. And the bold marks of the reed pen establish a reassuring spatial enclosure as well as figural stability. Rembrandt observed children attentively, as he lovingly recorded such family intimacy. And yet, even in drawings of such human modesty, presumed records of reality, we sense the draftsman's projection of his own corporeal energies. It is not only in the beggars of Amsterdam or in the disciples and followers of Galilee that Rembrandt imagined bodies through his drawing hand. And we, in responding to the marks made by that hand, reconstitute in our own imaginations the figures projected by the draftsman. Following his lines, retracing their impulses and directions, we in effect rehearse the act of drawing itself, and in so doing we also re-imagine the imaginings of the artist.

Beyond connoisseurship? Only if we recognize that the articulation of our response to drawings is built upon the foundations of the eye of the connoisseur, the critical eye that looks closely and intelligently at the marks of the draftsman, that re-imagines the act of drawing. For it is just such re-imagining of the creative act that we engage in, consciously or not, as we follow the lines of a drawing. And it is through those lines that we are led back to the drawing hand and the body of the draftsman, participating in his imaginings. Then we can liberate the drawings from the darkness of their solander boxes and engage more fully the vital energies of the draftsman, sharing the motions of his vision.

FIGURE 15. Rembrandt, *Two Women Teaching a Child to Walk*. Red chalk on rough grey paper, 10.3 x 12.8 cm. British Museum, London (1910-2-12-187 [Benesch 421]).
© Copyright The British Museum.

FIGURE 16. Rembrandt, *A Child Being Taught to Walk*. Reed pen and brown ink on brownish-cream paper, 9.3 x 15.4 cm. British Museum, London (1912-4-16-2 [Benesch 1169]).

# AN IFAR EVENING

# BEYOND CONNOISSEURSHIP?

TUESDAY, DECEMBER 3, 2002

Arlene Elkind and Michiel Plomp

Left to right: Professors David Rosand, Richard Brilliant, and Donald Posner

Left to right: Fran Zeman, Robert Simon, and Ann Frances Moore

Professors Donald Posner and David Rosand

PHOTOS ON THESE TWO PAGES: STEVEN TUCKER

Virgilia Pancoast Klein and
Prof. Egbert Haverkamp-Begemann

Michael Rubenstein and Joachim Pissarro

Kate Ganz and Joachim Pissarro

Left to right: Ronald D. Spencer, Egbert Haverkamp-Begemann, and
Inge Reist

Left to right: Magda Saleh (Mrs. Jack A. Josephson), Jack A. Josephson,
IFAR Chairman, and Sharon Flescher, IFAR Executive Director

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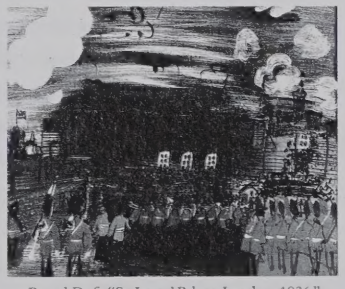

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# THE ANATOMY OF AN ETRUSCAN TOMB FORGERY: CASE UNRESOLVED

P. GREGORY WARDEN*

"Doubts about the authenticity of some of the bronzes began to surface in the 1960s . . ."

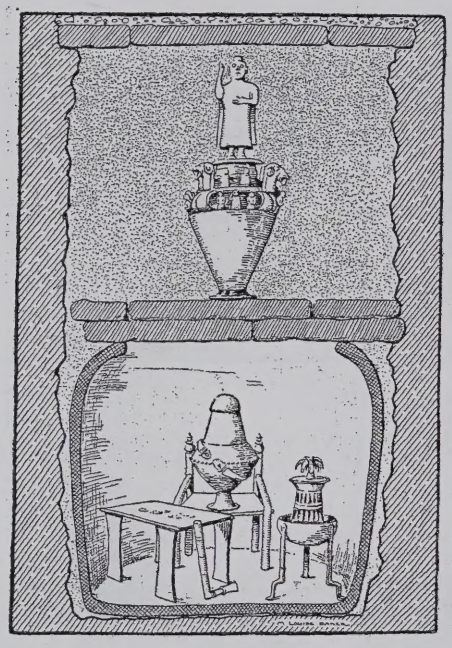

FIGURE 1. Far left. The "Ziro Burial" from Chiusi as reconstructed by Dohan in 1935. *AJA* 39 (1935) 202, fig. 10.

FIGURE 2. The Coleman Urn. University of Pennsylvania Museum inv # MS2467 *(neg. #23241).* Height: 0.957 m

The University of Pennsylvania Museum[1] in Philadelphia has one of the finest collections of Etruscan art and artifacts in the United States. The collection was assembled at the end of the 19th century, primarily for archaeological and scientific reasons rather than esthetic and includes a tomb group from Chiusi that has been well known since its first publication in 1935 (Fig. 1).[2] The group consists of a number of bronzes, including a throne and a table, as well as a flamboyant terracotta urn, almost a meter in height, that is decorated with a number of movable figures (Fig. 2). The tomb context is dramatic testament to the mortuary practices of the Etruscans, the people who dominated central Italy and the central Mediterranean before Roman dominion.

The Etruscans are a culture known mostly from funerary remains, and the Chiusi tomb provides evidence for details of the Etruscan belief system such as ancestor worship, the care and feeding of the dead, and the status and image of the deceased in the afterlife. The dramatic "peopled" terracotta urn is also a prime example of a current of Etruscan art that emphasizes a non-naturalistic and non-Greek type of representation. However, doubts about the authenticity of some of the bronzes began to surface in the 1960s, and recent stylis-

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[1] I am grateful to the University of Pennsylvania Museum of Archaeology and its director, Dr. Jeremy Sabloff, for permission to study these objects. My initial interest in the group began with the encouragement of Prof. G. Roger Edwards and was facilitated over the years by the staff of the Museum and the Mediterranean Section, especially Dr. Tamara Stech, Prof. Donald White and Dr. David Romano. I am especially indebted to Dr. Ann Brownlee, Senior Research Scientist, for undertaking the recent program of TL analysis and for discussing with me the historiography of the museum and its collections.

[2] E.H. Dohan, "A Ziro Burial from Chiusi," *American Journal of Archaeology* 39 (1935) pp. 198–209.

tic and scientific analysis of the terracotta urn and related objects has begun to cast doubt not only on a larger group of objects but on fundamental assumptions of archaeological method and archaeological context. The entire story reads like a tortuous Victorian plot and includes a prominent archaeologist, 19th-century amateurs and dealers, wealthy collectors, and the thirst of American and European museums and cultural institutions at the turn of the century for the spoils of Mediterranean antiquity.

*"Much of Etruscan art remains enigmatic, and a case in point is the so-called 'Canopic' urns."*

At the heart of the story are the Etruscans, one of the major Mediterranean cultures of the first millennium BC. Etruscan art is particularly intriguing because even though it was often influenced by Greek art, it could also be highly original. The Etruscans have also appealed to the popular imagination as a "mysterious" people, known mainly from funerary remains, whose culture was essentially obliterated by the Romans. Ever since the posthumous publication in 1932 of D.H. Lawrence's *Etruscan Places*, the Etruscans have appealed to the Anglophone world as the quintessential outsiders, both artistically and historically. This image of the Etruscans, which can actually be traced back several centuries before Lawrence,[3] is in many ways wrong but continues to bedevil the field of Etruscan studies.

[3]See M. Cristofani, *La Scoperta degli Etruschi. Archeologia e antiquaria nel '700* (Rome 1983).

FIGURE 3. A genuine terracotta Canopic urn from the area of Chiusi and its throne. British Museum H245. Courtesy of the British Museum.

Still, there is no question that much of Etruscan art remains enigmatic, and a case in point is the so-called "Canopic" urns (Fig. 3).

Anthropomorphic urns of this kind are only known from the region around Chiusi, a site in the interior of Tuscany, far from the more famous and more Greek-influenced coastal cities of ancient Etruria (an area roughly corresponding to modern Tuscany). Chiusi was a place where the old traditions of the early Italic Iron Age continued into the 6th and 5th centuries BC. The most important of these traditions was that of cremating the dead and placing at least some of the ashes in anthropomorphic containers, normally of terracotta (although bronze examples are known), that are highly abstracted. Though such urns were dubbed "Canopic" by excavators in the 19th century, they have nothing to do with proper Egyptian Canopic urns, which were intended to hold the organs of the mummified corpse, but the term has stuck. Normally a Chiusine "Canopic" urn is a single highly stylized anthropomorphic figure. Even though these urns are much prized today for their abstract qualities, in the late 19th century they were treated more as archaeological curiosities than as works of art.

Despite their simplicity and their atavistic qualities, "Canopic" urns were intended for the elite of Etruscan society. The urns were often placed on small thrones (again normally of terracotta, but occasionally of bronze) and were sometimes individualized by painted decoration or by the addition of jewelry, for instance earrings, or gold or bronze masks. (Note the holes for attachment on the face of Fig. 3.) The masks seem to have been funerary, and it has been hypothesized that they are connected to ancestor cults. Even more interesting is the way that these urns were placed in the tomb. Not only were they privileged by status indicators such as jewelry and thrones, but they were also contextualized by a larger assemblage of objects that defined the status of the deceased and imaged that individual as seated at an eternal banquet. This was done by placing small tables in front of the enthroned urn, tables that seem to have been laden with food. Banqueting vessels and implements and other items of furniture were also placed in the tomb, around the anthropomorphic urn. This kind of imagery is well known from other Etruscan funerary contexts; what makes the Chiusi funerary context unusual is its literal quality. Rather than just a sarcophagus with a banqueting scene depicted on it, or a painted banquet on a wall, as might

*"Rather than just a sarcophagus with a banqueting scene depicted on it . . ., at Chiusi the banquet of the afterlife was acted out literally with miniature objects – urn, food, and furniture – much as in a modern doll house."*

be normal elsewhere in Etruria, at Chiusi the banquet of the afterlife was acted out literally with miniature objects — urn, food, and furniture — much as in a modern doll house. It is not far-fetched to imagine that there were probably funerary rituals about "dressing" the deceased and "feeding" the dead.

It is one of the unfortunate realities of Etruscan archaeology that much of the best evidence for funerary contexts was excavated in the 19th and early 20th centuries at a time when archaeological methodologies were crude, to say the least. "Excavation" might in fact be too kind a word for the kind of archaeology that was practiced then. Rarely were the details of archaeological contexts recorded or even observed. Often the tombs were excavated illegally or semi-legally, and the contents were sold or dispersed before the authorities could properly vet the contexts. In that period the material had little marketability as art and was often marketed for its archaeological interest to European and American museums and collectors who were interested in tomb groups for their scientific and documentary value. A prime candidate in the United States was the University of Pennsylvania Museum in Philadelphia, and in fact this institution acquired a spectacular collection of Etruscan and Italic art that is just now (March 2003) going to be displayed in a new gallery dedicated to the archaeology of pre-Roman Italy, the Kyle M. Phillips, Jr. Etruscan World Gallery.

"By the time that the objects in Dohan's tomb group had made their way to Philadelphia, they had lost any recorded provenance . . ."

One of the most interesting holdings of the University Museum is the tomb group from Chiusi that was first published in 1935 by Edith Hall Dohan (Fig. 1). The group, as reconstructed by Dohan, includes a bronze throne, table, tripod bowl, and a gilded bronze urn that is now in the Florence Archaeological Museum, as well as other smaller objects. The group also includes a terracotta urn, almost a meter in height, whose shoulder is festooned with a number of movable figurines that encircle a much larger figure that stands on the lid of the vase (Fig. 2). This remarkable urn is a very rare type, far rarer than the single-figure anthropomorphic urns that are known from Chiusi. Even fragments of such "peopled" vases are rare, and Dohan was only able to cite five complete examples in terracotta: two are in Chiusi (the "Paolozzi" and "Gualandi" urns), one is in Berlin, and the two final examples are in Philadelphia (along with a third crowning figure from such a vase).

By the time that the objects in Dohan's tomb group had made their way to Philadelphia, they had lost any recorded provenance, but Dohan was able to use archival evidence to demonstrate that they were indeed from Chiusi and formed a single, documented tomb group of some importance. Dohan's reconstruction of the "Ziro Burial from Chiusi" ("ziro" is the Tuscan vernacular for the huge clay storage jar that held the tomb group) became a staple of Etruscan archaeology for it provided a vivid context for a set of rare and splendid objects, a kind of narrative of Etruscan mortuary ritual. Dohan's reconstruction was based on the testimony of two "scavatori di mestiere" (professional diggers) that had been published in January of 1881 in the official publication of the Italian archaeological establishment, the *Notizie degli Scavi*. The account describes the discovery of a tomb that included a terracotta vase with movable figures, a throne with an urn placed on it, the urn girdled by a leather and bronze belt, and a "sacrificial tripod." Later that year, in July of 1881, no less an authority than Giuseppe Fiorelli, the famous archaeologist who had introduced scientific method to the excavations of Pompeii and Herculaneum, reported in the *Notizie degli Scavi* that the objects of the tomb had been dispersed before the discovery was reported to the Italian government, and that the pieces had been sold to the Boston Museum of Fine Arts. The Boston Museum had no record of such a tomb, but with almost Sherlock-Holmesian attention to detail and archival sources, Dohan was able to trace the trail of the antiquities to the University of Pennsylvania Museum in Philadelphia. Dohan connected the 1881 published description to a group of objects that the University Museum had acquired at auction in 1897 from the collection of a bankrupt 19th-century industrial magnate, Robert Coleman. The details of the entire enterprise will be discussed further in a more extensive publication, but Dohan's conclusion was based on several pieces of evidence. Dohan found out from Coleman's family that the Etruscan objects in his collection had been acquired in Italy and sold to Coleman by a certain James Jackson Jarves.[4] Dohan's key piece of evidence in connecting

the Coleman objects to the Chiusi tomb group was a document that found its way into the University of Pennsylvania Museum's archive. This document, which was signed by Jarves and had probably been used to interest Coleman in the acquisition of the objects in the early 1880's, describes the tomb group in greater detail, even providing ever more vivid details of food strewn on the bronze table, and incense found in the "sacrificial tripod." With this evidence Dohan was able to reconstruct the context illustrated in Fig. 1, to purportedly bring back together a set of objects that seemingly had been dispersed because of the vicissitudes of the art market.

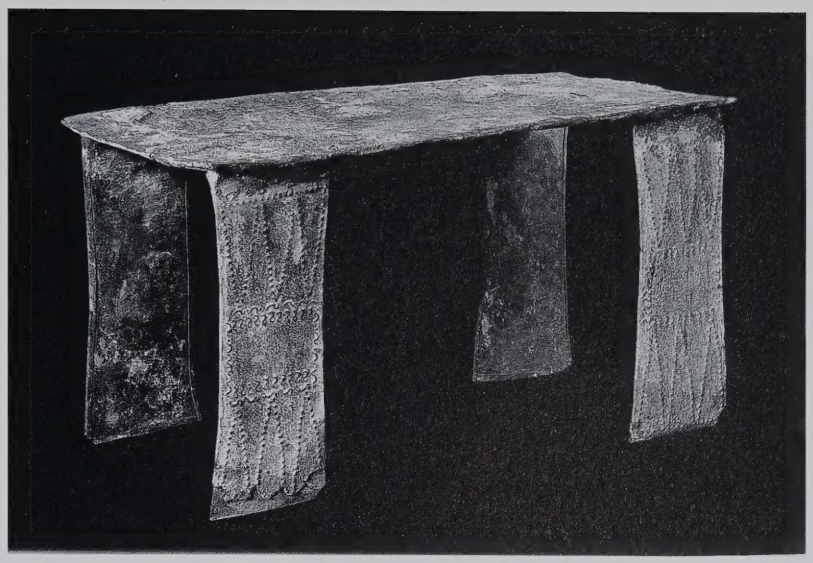


FIGURE 4. Bronze Table. University of Pennsylvania Museum inv. # MS2363 (neg. #5064). Length: 0.573 m.

*"Dohan's reconstruction was in fact a brilliant piece of detective work and provided us with the context . . . that made sense of a spectacular set of objects that said little as separate pieces. Unfortunately, Dohan's reconstruction was also quite wrong."*

Edith Hall Dohan was one of the most brilliant archaeologists of her generation, and her work on Mediterranean archaeology is a model of careful scientific scholarship; it will stand the test of time. The reconstruction of the Chiusi burial, however, does present problems. That it has become so entrenched in the scientific literature is testament to our willingness to believe what we want to believe. Dohan's reconstruction was in fact a brilliant piece of detective work and provided us with the context — the archaeological narrative, if you will — that made sense of a spectacular set of objects that said little as separate pieces. Unfortunately, Dohan's reconstruction was also quite wrong. It is not my intention to excoriate Dohan, for I hold her work in the highest esteem, but it is important for us to understand how such a talented archaeologist and careful observer came to be misled.

Doubts surfaced about the reconstruction of some of the objects in 1967, when Franca Callori, an Italian conservator, inspected the bronzes. Callori's notes are now in the museum archives; she was certain that there was something "wrong" about the furniture and the tripod. Some of the corrosion products, sections of patina, had no "logical behavior" and did not seem ancient; the table was assembled from disparate pieces; sections of the throne and table were distinctly modern in form and finish;

*"But the question remained. Were these pieces just overrestored in the manner of the late 19th century, a time when restorers (rather than conservators) were wont to take great liberties? Or were they pastiches, or even outright forgeries?"*

[4]Jarves was a resident of Italy who seems to have supported himself by acquiring antiquities and art for foreign collectors and institutions. Dohan cites Jarves' autobiographical publication, *Italian Rambles*, whose preface is dated January 1883. Dr. Ann Brownlee, University of Pennsylvania Museum, has pointed out in personal correspondence that Coleman was in Italy in 1880 and might have met Jarves at that point. Jarves probably continued to act as agent for Coleman until Coleman went bankrupt in 1893. According to Dr. Brownlee, "Jarves was indeed a well-known figure in Florence, an agent for other wealthy men besides Coleman; he served as American vice-consul from 1880–1882. His collection of early Italian paintings, which he sold to Yale, formed the foundation of the collection at the Yale Art Gallery."

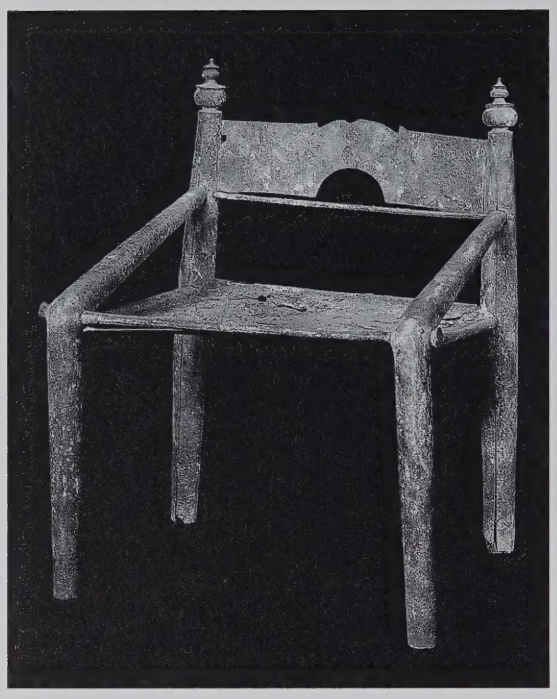


FIGURE 5. Bronze Throne. University of Pennsylvania Museum inv. # MS2362 (neg. #4717). Height: 0.488 m.

and the form of the tripod did not look right to her practiced eye. Callori's notes make it clear just how much a careful visual inspection by a trained eye can reveal, but it should also be noted that Callori had one other distinct advantage over Dohan. In the thirty plus years since Dohan worked on the tomb group, the bronzes had begun to deteriorate. The furniture was literally coming apart and the modern restorations were becoming more and more apparent. But the question remained. Were these pieces just over-restored in the manner of the late 19th century, a time when restorers (rather than conservators) were wont to take great liberties? Or were they pastiches, or even outright forgeries? And if so, should Dohan's famous reconstruction of the "Ziro Burial" be trusted? Furthermore, what about those spectacular terracotta urns with the movable figures?

"AMERICAN MUSEUMS WERE NOT THE ONLY ONES WHO WERE FOOLED."

I had the good fortune to study the objects in the "Ziro Burial" in the early 1980s when I taught at the University of Pennsylvania and thus had access to the University Museum's splendid classical collections. At that time the bronzes had suffered even more degradation, in no small part because of the heavy-handed 19th-century restorations. It was easy to see that Franca Callori was quite right; there were serious issues of authenticity. The tripod was at best a pastiche; the basin might be ancient but the legs were clearly modern (the "patina" was painted on and could be easily removed with a little distilled water to reveal the gleaming modern surface of the copper alloy) and had not even been riveted to the right spot on the basin. Callori was correct in pointing out that their form was wrong; Etruscan tripod legs invariably have a curved rather than a straight profile. The table (Fig. 4) is an even worse pastiche; its top is modern and the legs are made up of sheets of what might be ancient stamped bronze that has been applied to a modern backing. The pieces are probably cut from some other kind of object and most peculiar of all — and this is a detail that should have been noticed by Dohan — the pattern of decoration is not the same on each leg, as it would be on a genuine Etruscan piece. There are even greater problems with the throne (Fig. 5) where the seat seems to be the only truly ancient part.

Dohan's reconstruction of the tomb group is thus not reliable, and in fact, once doubt is cast on the entire narrative, other parts of the story seem questionable. Why indeed are there two urns in the tomb, the bronze urn on the throne, and the terracotta urn on the lid? This seems extraordinary. What is not out of the question, however, is that cremation urns were placed on thrones, that sometimes these thrones were of bronze, and a table with banqueting vessels could be placed in front of the urn. This juxtaposition of elements with the concomitant symbolism of the banquet in the afterlife is documented in another tomb group from Chiusi, the Poggio alla Sala group in the Florence Archaeological Museum, which to my knowledge is perfectly genuine. Such tombs did exist, as the excavators and restorers of the late 19th century knew, but were extremely rare. What made the tombs spectacular, and thus valuable, was the way that context and belief system were made explicit by the assemblage of objects, so it was an easy temptation

*"... it was an easy temptation for the excavators to just take up a few odd bits from genuine Etruscan pieces and cobble them together to form another even more impressive assemblage."*

for the excavators to just take up a few odd bits from genuine Etruscan pieces and cobble them together to

[5] R. De Puma, *Etruscan Tomb Groups* (Mainz 1986).

form another even more impressive assemblage. The actual mechanisms of this kind of deception have become clear from other studies of 19th-century "excavation" and collecting, especially in Richard De Puma's excellent reconstruction of the material that ended up in the Field Museum in Chicago.[5] At Chiusi as at other Etruscan sites there seem to have been workshops of excavators and restorers who fed the growing appetite for archaeological material.

American museums were not the only ones who were fooled. Ingrid Strøm has studied a tomb group now in Copenhagen that was bought in Chiusi in 1883, about the same time that the Philadelphia pieces were marketed, using the same kind of archival evidence on which Dohan had relied. Strøm was able to show that some pieces were partially genuine, albeit imaginatively "restored," but some were mixed with objects of another tomb group to form a better ensemble. Clearly 19th-century excavator-dealers put together tomb groups as easily as they pieced together objects, essentially creating archaeological contexts that in the antiquarian climate of the time enhanced the prospect of sale and profit. The disturbing thing here, for archaeologists weaned on the premise that context is king, is that all contexts excavated in this period become highly suspect.

Dohan thus dutifully and properly put all the pieces together but never doubted the authenticity of both the written sources and the objects themselves, using the evidence of Jarves' feverish description and the slightly more sedate but still second-hand account published in the *Notizie degli Scavi*. It was this final clue, I believe, that led Dohan down the garden path of gullibility, for as scholars we are trained to trust the written word when it is published in a scientific venue. The *Notizie degli Scavi* was an authoritative publication in Dohan's day and still is today. Chalk one up to early 20th century scientific positivism. Archaeologists are also trained to reconstruct. The reconstruction of single objects, of groups of objects, and most importantly, of the context of objects, is their very raison d'être. Once doubts about authenticity have been removed, by a well-placed first-hand account in a reputable archaeological publication, archaeologists proceed with their detective work, their patient process of reconstruction, much as a fish takes to water. It then takes years if not generations for other scholars to catch the mistake. In the meantime, the incorrect information has made its way into the scientific literature where it takes on a force and weight of its own. For the record, the first serious doubts about the integrity of the "Ziro Burial" were published in 1989 by Ingrid Strøm who had examined the bronzes and noted that "It is even doubtful whether they formed part of the same grave context."[6]

*"But what of the 'peopled' vases? Should we throw out the baby with the bath water?"*

But what of the "peopled" vases? Should we throw out the baby with the bath water? These pieces are important in their own right, not just as part of tomb contexts. They are fascinating as works of art and as evidence for funerary ritual and belief. Yet iconographically these vases are enigmatic and somewhat controversial. Who is that figure standing in the center? Is the figure male or female? Is it a god, hero, or ancestor? And what are those curiously robed figures that girdle the top of the vase? Are they mourners or worshippers? And why are they made separately and inserted on small clay pegs; why are they movable? And what about those strange, very phallic, griffin protomes that sometimes are placed with figures? Etruscan griffin protomes are found on large bronze banqueting vessels and are often imitated in terracotta, but they look rather different from our examples. And why would such protomes be found on a funerary

*"I presented these suspicions at the 1994 annual meeting of the Archaeological Institute of America, but they remained just that, suspicions. In the meantime I came across . . . the startling news that the Berlin vase had been tested by Thermoluminescence (TL) in 1977 and had proven to be a fake. It seemed time to do something about the Philadelphia urns. . . "*

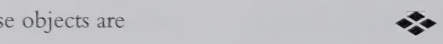
[6] I. Strøm, "Orientalizing Bronze Reliefs from Chiusi," *Analecta Romana Instituti Danici* 17–28 (1989) p. 19.

vase? The bibliography is by now vast, but questions remain, and the meaning of this curious iconography remains just as elusive now as in Dohan's day.

A possible reason for our bewilderment in the face of this juxtaposition of figures on terracotta cinerary urns is that at least several of the pieces are questionable. I became suspicious of the integrity of the urns in the 1980s when I had the opportunity to view the Paolozzi urn in the Chiusi Archaeological Museum and was able to see that it had been heavily restored, at best. Then, when comparing the three pieces in Philadelphia (the Coleman urn, the Frothingham urn, and a third large crowning figure), I was struck by the peculiarities of style of the Coleman piece (Fig. 2) whose incision had a curiously modern, rather machine-made feel. The eyes of the Coleman urn, for instance, look as if they have been impressed with a circular form rather than incised by hand. The style of the Coleman crowning figure and attendant figurines, including the griffins, seemed all wrong in the context of Chiusine terracotta sculpture of the period. The attendant figures looked more like 19th-century angels from a Neapolitan presepio than figures from ancient Chiusi. The cruder Frothingham urn did not set off as many warning bells, but there were clearly problems, and it seemed to me that at least two of the three pieces were questionable. I presented these suspicions at the 1994 annual meeting of the Archaeological Institute of America, but they remained just that, suspicions. In the meantime I came across Andersen's 1993 publication on the ancestor cult in Etruria with the startling news that the Berlin vase had been tested by Thermoluminescence (TL) in 1977 and had proven to be a fake.[7] It seemed time to do something about the Philadelphia urns, and with the assistance of Dr. Ann Brownlee of the University Museum and Stuart Fleming of MASCA, the applied science center of the University Museum, nine samples were taken and sent off for TL analysis.

The Coleman urn was not sampled since it is so stylistically wrong, but I did hope that at least parts of the Frothingham urn and the other crowning figure, as well as the smaller figurines, might be ancient. The results were disappointing and removed any last vestiges of optimism. While TL testing cannot reliably provide an absolute date for an object, it is a good relative indicator of age, or at least of how much time has elapsed since a clay object was fired. It is clear from the TL testing of the Philadelphia pieces that these objects are not ancient.

Thus ends the final chapter of the saga of the "Ziro Burial," although a more detailed publication of the results will be needed. But more importantly, what does this mean, now that three of the five Chiusine "peopled" vases have turned out to be forgeries? What of the two urns in Chiusi? The Paolozzi urn is by now such an icon that it is pictured on billboards on the Autostrada as one approaches the Chiusi exit. It is literally the poster boy for this fascinating Etruscan city. Two possibilities exist. The first is that the "peopled" urns are all forgeries, the product of an imaginative forger of the late 19th century. Because subsidiary figures are found on more normal and certainly genuine Canopic urns from Chiusi, a forger might well have taken this detail and embellished it into the orgy of figural encrustation found on the Paolozzi and Gualandi vases. But there is also a more palatable scenario. One or both of these vases might indeed be genuine and could have inspired the copies that made their way to foreign museums. The crux of the problem is the lack of solid archaeological context and documentation, and even though the Paolozzi and Gualandi urns are heavily restored, the possibility exists that at least one of them is genuine and served as a model, a kind of Ur-urn, so to speak, for the forgers working in Italy at the end of the 19th century. It is a cautionary tale that begs for further study and analysis of the antiquities of Chiusi. The Paolozzi and Gualandi urns have not been TL tested, for who would dare question such icons, and, after all, they are in Chiusi, so their context is unquestionable. Or is it? It may be time to lay these urns to rest.



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[7] H.D. Andersen, "The Etruscan Ancestral Cult – Its Origin and Development and the Importance of Anthropomorphization," *Analecta Romana* 21 (1993) pp. 8-66.

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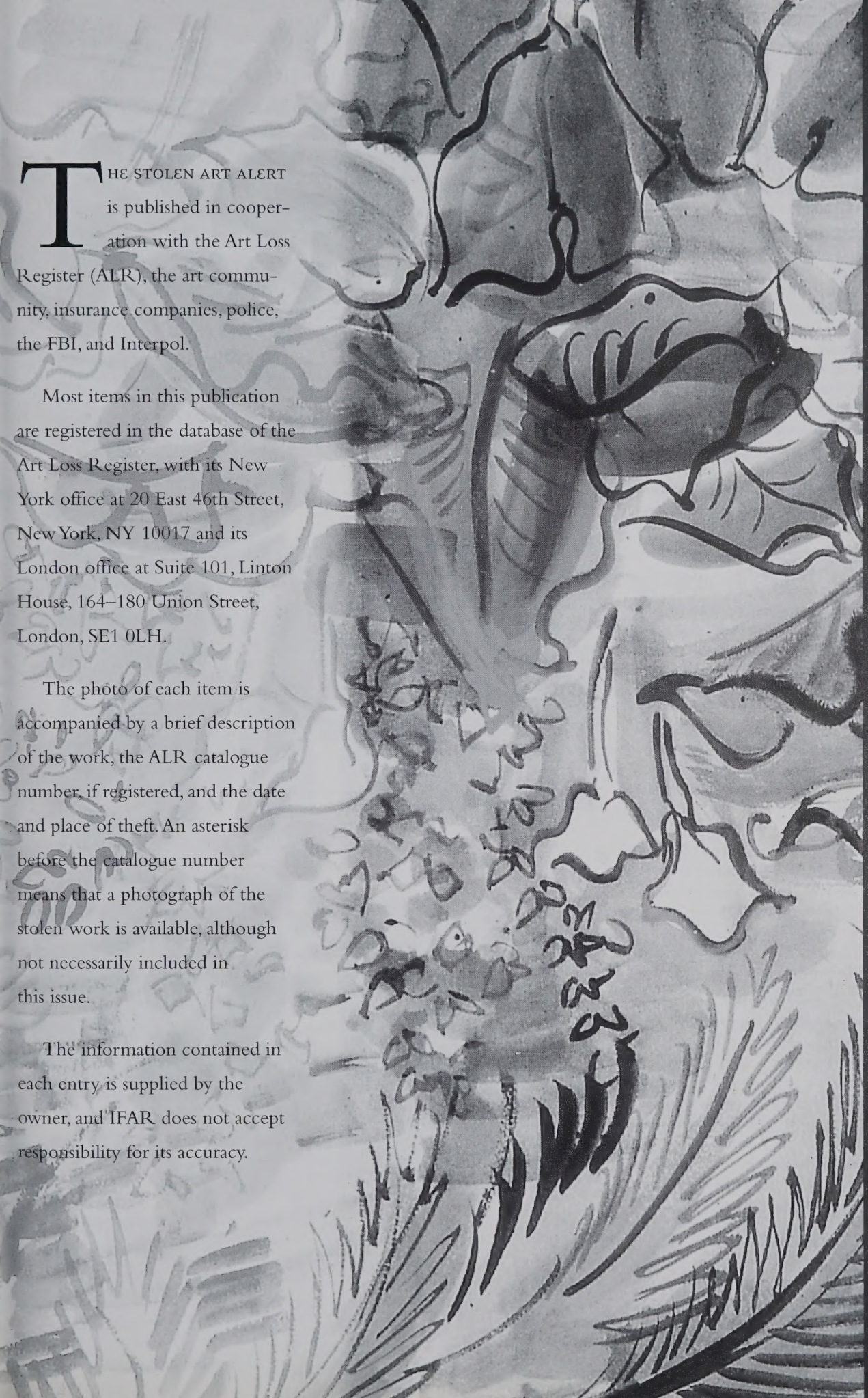

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## STOLEN ART

### PAINTINGS

78 HENRI MATISSE (French, 1869–1954). *Odalisque in Red Pantaloons*, 1925. 60.5 x 73.5 cm. Signed l/l. Stolen from Fundacion Museo Contemporaneo de Caracas and replaced with a forgery. Theft discovered by museum in late 2002. See story on p. 4.

79 FRANCIS BACON, Attrib to. (Irish/English, 1909–92). *Study for the Pope*. Oil on canvas. 106 x 92 cm. Signed verso. *L03.67. Stolen from a private residence in France.

80 ALFRED THOMAS BRICHER (American, 1837–1908). *Grand Manan at Dawn (A Seascape)*, 1865. Oil on canvas. 9" x 18". *N03.44. Stolen in Massachusetts in 1998 by an art dealer to whom the painting was consigned.

81 MAXFIELD PARRISH (American, 1870–1966). *Study for the River at Ascutney*, 1942. Oil on board. 10" x 10". *N03.59. Stolen in 1975 from an art gallery in San Mateo, CA.

82 RAY STRONG (American, 20th century). *Yellow Marin County Hills*, c.1950s–60s. Oil on canvas. 30" x 36". *N03.62. Stolen in Alamo, CA in October 2002.

83 GUSTAV (HAUIESE) LIKAN (Yugoslavian/American, 1912–c.1990). *Early Summer*, 1942. Oil on canvas. 56 x 45 cm. Signed l/r: Likan '42. Verso: New inventory no. 1529 and old inventory no. 619/2. Stolen from a government building in the Republic of Croatia. Interpol no. 20030202489.

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*Numbering for the year 2002 Cumulative Index of Stolen Art began with *IFAR Journal*, Vol. 5, no. 2. Numbering for the year 2003 Cumulative Index of Recovered Art begins with this issue.

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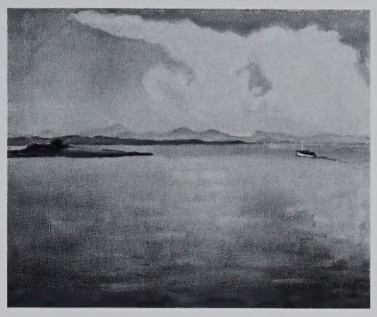

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*The following three paintings were among six works belonging to a London art dealer that were stolen in transit from the Art Palm Beach Modern and Contemporary Art Fair in Florida to destinations in London and Paris in January (*L03.112). See also, numbers 94, 95, and 97 below.:*

84 JEAN DUBUFFET (French, 1901–85). *Femme se Coiffant*, 1944. Oil on canvas. 61 x 50 cm. Signed l/l.

85 RAOUL DUFY (French, 1877–1953). *St. James' Palace London*, 1936. See color photo on inside back page of this issue.

86 ALBERT MARQUET. *Nuage Rose, Porqueroles*. Oil on canvas. 60 x 70 cm. Signed l/r.

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*The following two paintings were stolen from an art fair in New York City in November 2002. *N02.150:*

87 HENRI LEBASQUE (French, 1865–1937). *Villefranche-sur-mer*. Oil on canvas. 32" x 21½".

88 GEORGES CAPON (French, 20th century). *A View of the Port of Cannes*, c. 1918. Oil on canvas. 25½" x 39½". Signed l/r.

87

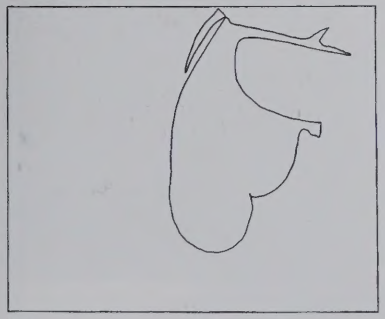
88

## DRAWINGS/WORKS ON PAPER

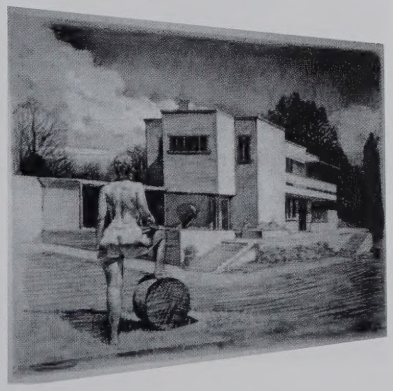
89 JOAN MITCHELL (American, 1926–92). *Untitled*, 1983. See color photo on inside back page of this issue.

90 ÖYVIND FAHLSTRÖM (Swedish, 1928–76). One section of *182 Improvisations for Night Music*. (1974–75). Variable drawing, ink on paper, approx. 18 x 23 cm. *L03.197. Stolen from the Baltic Centre, Gateshead Quayside, U.K. on November 19, 2002.

91 ROBERT CUMMING (American, 20th century). Woman with Foot on Comma, 2002. Charcoal, conte crayon on paper. 30" x 38". *N03.66. One of six works stolen from a van in Long Island City, NY in February 2003.



90
Image of stolen section of
*182 Improvisations for Night Music*

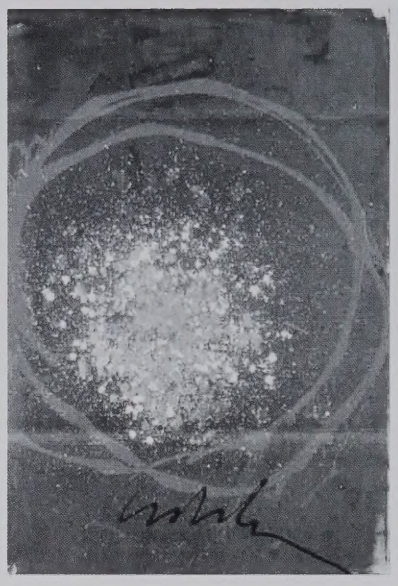


91

*The following two drawings by Dale Chihuly (American, b.1941) were stolen from a hotel in Seattle, WA in November 2002. ★N03.11:*

92 *FLOAT DRAWING* (ID# 99.2802.D1), 1999. Acrylic on paper. 40" x 60". Signed on bottom.

93 *FLOAT DRAWING* (ID# 99.2803.D1), 1999. Acrylic on paper. 40" x 60". Signed on bottom.



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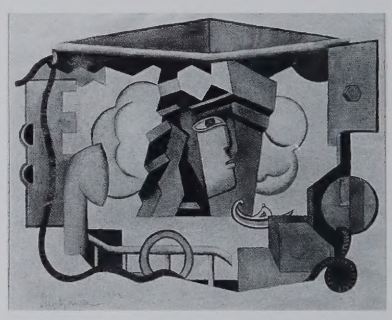
*The following two drawings were among six works stolen in transit from Florida to destinations in London and Paris in January 2003. (★L03.112). See also, numbers 84–86 above and 97 below.:*

94 RAOUL DUFY (French, 1877–1953). *Feuillage et Palmier*, 1934. Gouache on paper. 50 x 65 cm. Signed l/l.

95 JEAN METZINGER (French, 1883–1956). *Composition Nautique*. Watercolor on paper 8.75" x 11". Signed l/l.

94



95

## MIXED MEDIA

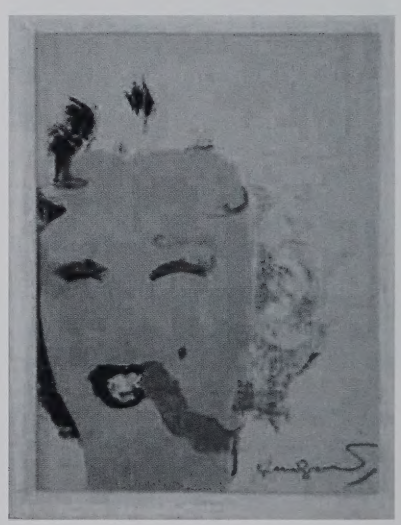
96 SALVADOR DALÍ (Spanish, 1904–89). *Christ on the Cross,* February 1965. India ink, gouache, and pencil on board. 59" x 39½" (unframed). ★N03.78. Stolen from the Men's Correction Facility, Riker's Island, New York, March 1, 2003. See story on p. 4.

97 MURIEL SINCLAIR. *Petit Astre*, 1991. Mixed media on paper. 60.5 x 50.5 cm. ★L03.112. Stolen in Palm Beach, FL in February 2002 along with items 84–86 and 94–95 above. Photo not available.

96

## PRINTS

98 ANDY WARHOL (American, 1928–87). *Punk Rock Marilyn*, c.1960s–70s. Synthetic polymer silkscreen on canvas with acrylic. 14" x 10⅝". ★N03.07. Stolen from a private residence in New York City in 1989.



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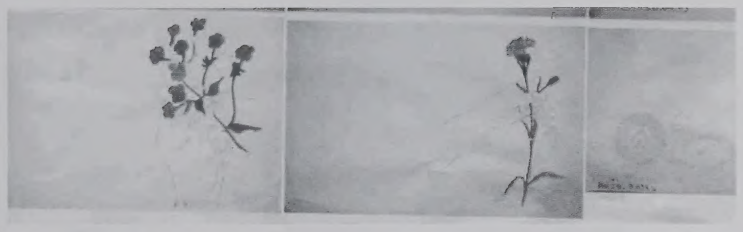

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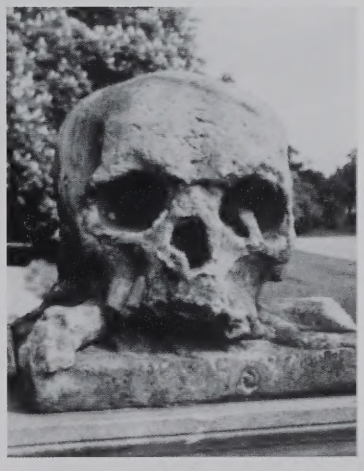

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105

*The following two prints by Andy Warhol (American, 1928–87) were stolen. *N03.12:*

99 *SIX-FINGERED HAND WITH FLOWERS*. Approx: 11" x 16". Marked with a Warhol Estate Stamp #PM 20.0233. Image both recto and verso.

100 SIX-FINGERED HAND WITH FLOWERS. Approx: 11" x 16". Marked with a Warhol Estate Stamp #PM 20.0246. Image both recto and verso.

## SCULPTURE

101 *VIRGIN MARY WITH THE CHRIST CHILD* (Flemish, 15th century). See color photo on inside back page of this issue.

102 LOUISE BOURGEOIS (French/American, b.1911). *Give or Take 3*, c.1993. See color photo on inside back page of this issue.

103 ANDRE HARVEY (American, b.1941). *Water's Edge*, c.1997. Bronze. 14½" x 17" x 8". Approx. wt: 28.5 lbs. Ed. 21/60; signed underside. *N03.02. Stolen from a museum in the northeast U.S. in December 2002.

104 MATHYAS BRAUN, workshop of (Czech, 18th century). *Skull and Crossbones*, c.1718. Approx.: 70 x 60 x 60 cm. One of two similar sculptures stolen in the Czech Republic. Interpol no. 20030202377.

## ANTIQUITIES

105 COLLECTION OF CHARIOT FIXTURES (Early Roman Empire). Bronze with green patina. Approx. ht: 6". *N03.64. Stolen from an ancient art gallery in Munich, Germany in January 2003.

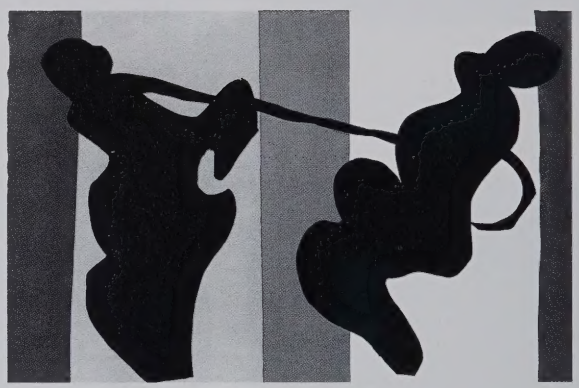
## NATIVE AMERICAN ART

106 BLACKFEET WAR SHIRT, c. 1870s. Buckskin, trade cloth, blue seed bead panels with ermine tails. *N03.61. One of 36 Native American artifacts stolen from a private residence in Boulder, CO, on January 31, 2002.

106

## BOOKS AND MANUSCRIPTS

107 HENRI MATISSE (French, 1869–1954). *Jazz*, published 1947. A book, from an edition of 250, with illustrations and text by Matisse. Discovered stolen in February 2003 from a museum on the island of Lesvos in Greece. Illustrated here from Jazz is a photo of *The Cowboy*, colored stencil, Plate 14, 169; 16⅝" x 25⅝".



107

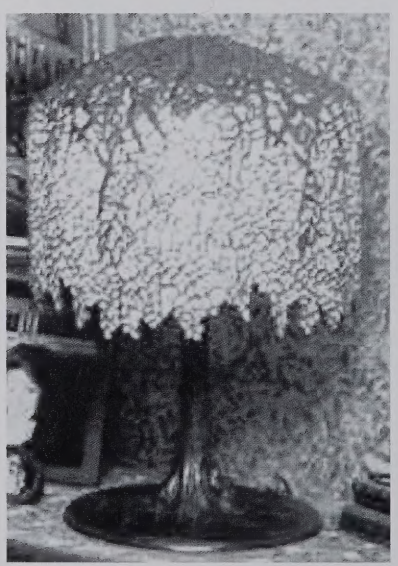
## DECORATIVE ARTS

### GLASS

*The following two works by Tiffany studios (New York, 20th century) were stolen from a private residence in upstate New York in December 2002. *N03.03:*

108 WISTERIA LAMP. Diam. of shade: 22". Bronze base.

109 PEONY LAMP. Diam. of shade: 18". Bronze base stamped: Tiffany Studios, New York 363.



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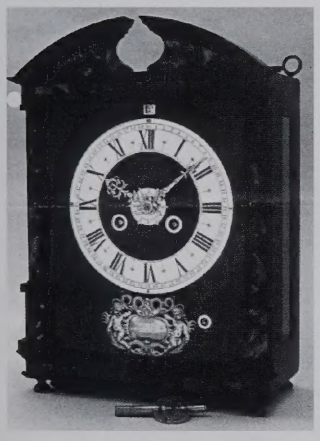

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## JEWELRY

110 HANDLE OF A WALKING STICK (Paris, France), c.1750–70. Gold silver, and diamonds, with the largest diamond weighing 24.32 cts. *L02.6980. Stolen in a multi-million dollar theft of jewelry from the Science Museum in the Hague, The Netherlands on December 2, 2002. The jewels were on loan from other institutions and collectors, including European royalty.

## CLOCKS, WATCHES, TIMEPIECES

111 BRACKET CLOCK (Dutch). Ebony and red tortoiseshell case with brass, platinum, and silver parts. Signed on brass plate. Ht. 35 cm. *L02.6938. Stolen from a private residence in The Netherlands on October 28, 2002.

## MISCELLANEOUS

112 CASKET (French or Indo-Portuguese, c.1625–65). Tortoiseshell on a pine core with silver and velvet. 3⅜" x 5⅜" x 3⅛". *N03.63. Stolen from an art gallery in New York in January 2003.

## RECOVERED ART

*The following two paintings, stolen from a private residence in Naples, Florida in December 2002, were recovered in Florida on February 11, 2003:*

1 PIERRE AUGUSTE RENOIR (French, 1841–1919). *Place de la Trinité*. See color photo on inside back cover.

2 CLAUDE MONET (French, 1840–1926). *Vétheuil, vu de l'ile Saint Martin*, 1880. Oil on canvas. 23¾" x 31¼" (60.4 x 79.4 cm). Signed and dated l/r: Claude Monet 79.

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a talk by

Joachim Pissarro and Claire Durand-Ruel Snollaerts

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### ART, GOLD, AND SLAVE LABOR:

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**Tuesday, June 24, 2003, 6:30–8:30 PM**

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## STOLEN ART

85 RAOUL DUFY (French, 1877–1953). *St. James' Palace London, 1936.* Oil on canvas. 33 x 41 cm. Signed l/l. One of six works stolen in transit in January 2003.

89 JOAN MITCHELL (American, 1926–92). *Untitled,* 1983. Pastel. 22 ¾" x 15½". Signed l/r. ★N03.08. Stolen from an art gallery in New York in November 2002.

101 *VIRGIN MARY WITH THE CHRIST CHILD* (Flemish, 15th Century). Oak. Approx. ht: 20". ★L02.6939. Stolen from an Abbey Trust in Gloucester on October 18, 2002

102 LOUISE BOURGEOIS (French/American, b. 1911). *Give or Take 3,* c.1993. Bronze 4" x 9¾" x 13¼"; Apprx wt: 30 kg. ★N03.41. Stolen from an art fair in Florida in December 2002.

## RECOVERED ART

1 PIERRE AUGUSTE RENOIR (French, 1841–1919). Place de la Trinité, 1893. Oil on canvas. 21⅜" x 25⅞" (53.8 x 64.6 cm). Signed l/l: Renoir. Stolen in Naples, Florida in December 2002 and recovered along with item no. 2 in Florida on February 11, 2003. See inside p. 51.


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